

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-SIXTH DAY — FRIDAY, MAY 4, 2001

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 291).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Hilbert; Martinez Fischer; Salinas; Smithee.

The invocation was offered by Reverend Victor Schober, senior pastor, Glad Tidings Assembly of God Church, Austin, as follows:

Heavenly Father, today we come into your throne room of grace with confidence and assurance that you will hear our prayers! We know you as a God of goodness and generosity and we are grateful for the privilege of approaching you with our requests. We ask that you continue to bless and favor our great nation, the United States of America, and our great state, Texas. You have the power to shower us with all kinds of blessings and we ask that you never stop doing just that.

Please guide our elected officials with your wisdom as they make important decisions this day. May the choices that they make today be guided by your Spirit of light and life. You have told us that if we trust in you with all of our heart, lean not to our own understanding, in all our ways acknowledge you, that you will direct our paths. May that be true for the fine men and women of this house of representatives throughout their session here in Austin.

As we acknowledged you yesterday all across the nation on our National Day of Prayer, may we again today do the same. You are great and greatly

to be praised! Blessed be the name of the Lord! Here in Texas from the Red River to the Rio Grande, from the Panhandle to the Valley, from El Paso to Orange may your help be ours. You are a present help in time of need and we need your help.

Thank you for your life, liberty, and love! In the name of your Son and our Savior! Amen!

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today and tomorrow because of important business:

Salinas on motion of Najera.

The following member was granted leave of absence temporarily for today because of illness:

Hilbert on motion of Haggerty.

The following member was granted leave of absence temporarily for today because of important business in the district:

Martinez Fischer on motion of J. Moreno.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 45 and Senate List No. 22).

HCR 276 - ADOPTED (by Homer)

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HCR 276**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 276, Paying tribute to the late Thomas D. "Tom" Wells of Paris for his public service.

HCR 276 was adopted without objection.

HCR 277 - ADOPTED (by Homer)

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HCR 277**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 277, In memory of J. C. Fisher, Jr., of Cooper.

HCR 277 was unanimously adopted by a rising vote.

(Martinez Fischer now present)

CAPITOL PHYSICIAN

The speaker recognized Representative Dukes who presented Dr. Daniel Garcia of Austin as the "Doctor for the Day."

The house welcomed Dr. Garcia and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Smithee now present)

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

HB 3701 - PERMISSION TO INTRODUCE

Representative Naishtat requested permission to introduce and have placed on first reading **HB 3701**.

A record vote was requested.

Permission to introduce was granted by (Record 292): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Salinas.

Absent — Chavez; Corte.

HR 838 - ADOPTED
(by Smith)

Representative Smith moved to suspend all necessary rules to take up and consider at this time **HR 838**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 838, Honoring Lou Baum of Euless for his exemplary service to his fellow man.

HR 838 was adopted without objection.

HR 839 - ADOPTED
(by Smith)

Representative Smith moved to suspend all necessary rules to take up and consider at this time **HR 839**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 839, Honoring the retirement of Don Brown as principal of L. D. Bell High School in H-E-B ISD.

HR 839 was adopted without objection.

HR 875 - ADOPTED
(by Smith)

Representative Smith moved to suspend all necessary rules to take up and consider at this time **HR 875**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 875, Honoring Vivagene Copeland of Hurst on her retirement from the Hurst City Council.

HR 875 was adopted without objection.

SB 304 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED

On motion of Representative Bosse, the house granted the request of the senate for the appointment of a conference committee on **SB 304**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 304**: Bosse, chair, McCall, Chisum, Alexander, and Wilson.

**SB 65 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative B. Turner, the house granted the request of the senate for the appointment of a conference committee on **SB 65**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 65**: B. Turner, chair, Hawley, Gray, Maxey, and Wohlgemuth.

**SB 187 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Solomons, the house granted the request of the senate for the appointment of a conference committee on **SB 187**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 187**: Solomons, chair, Counts, Maxey, Isett, and McCall.

HB 1761 - VOTE RECONSIDERED

Representative T. King moved to reconsider the vote by which **HB 1761** failed to pass to engrossment.

A record vote was requested.

The motion to reconsider prevailed by (Record 293): 77 Yeas, 66 Nays, 2 Present, not voting.

Yeas — Alexander; Bailey; Bosse; Burnam; Capelo; Chavez; Chisum; Coleman; Cook; Counts; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Gray; Gutierrez; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Hopson; Jones, J.; Junell; King, T.; Kitchen; Lewis, G.; Lewis, R.; Longoria; Luna; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Rangel; Reyna, A.; Ritter; Sadler; Solis; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; Wilson; Wise; Wolens; Yarbrough; Zbraneck.

Nays — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Christian; Clark; Corte; Crabb; Craddick; Crownover; Delisi; Denny; Driver; Elkins; George; Geren; Goolsby; Green; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilderbran; Hill; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Keel; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Madden; Marchant; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Pitts; Reyna, E.; Seaman; Shields; Smith; Smithee; Solomons; Talton; Truitt; West; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C); Ramsay.

Absent, Excused — Hilbert; Salinas.

Absent — Davis, J.; Raymond; Uher.

STATEMENT OF VOTE

When Record No. 293 was taken, my vote failed to register. I would have voted yes.

Raymond

CSHB 1761 ON SECOND READING

(by S. Turner, Chavez, Coleman, Dutton, and Yarbrough)

CSHB 1761, A bill to be entitled An Act relating to the right of an employee to time off from work to meet with certain persons affecting the education of the employee's child.

A record vote was requested.

CSHB 1761 was passed to engrossment by (Record 294): 79 Yeas, 67 Nays, 1 Present, not voting.

Yeas — Alexander; Bailey; Bosse; Burnam; Capelo; Chavez; Chisum; Coleman; Cook; Counts; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Gray; Gutierrez; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Hopson; Jones, D.; Jones, J.; Junell; King, T.; Kitchen; Lewis, G.; Lewis, R.; Longoria; Luna; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Sadler; Solis; Swinford; Telford; Thompson; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Christian; Clark; Corte; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; Elkins; George; Geren; Goodman; Goolsby; Green; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilderbran; Hill; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, E.; Keel; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Madden; Marchant; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Pitts; Reyna, E.; Seaman; Shields; Smith; Smithe; Solomons; Talton; Truitt; Walker; West; Williams; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Salinas.

Absent — Tillery.

HR 932 - ADOPTED

(by Garcia)

Representative Garcia moved to suspend all necessary rules to take up and consider at this time **HR 932**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 932, Honoring Dr. Gloria L. Velasquez of California Polytechnic University on the occasion of her appearance in Dallas as a guest author with the Voces Latinas: Hispanic Reading Series for Young Adults.

HR 932 was adopted without objection.

SB 577 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Driver, the house granted the request of the senate for the appointment of a conference committee on **SB 577**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 577**: Driver, chair, B. Turner, P. King, Danburg, and G. Lewis.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, upon lunch recess today, Desk 12, for a formal meeting, to consider pending business.

RECESS

Representative Uher moved that the house recess until 1:00 p.m. today.

The motion prevailed without objection.

The house accordingly, at 11:51 a.m., recessed until 1:00 p.m. today.

AFTERNOON SESSION

The house met at 1:00 p.m. and was called to order by the speaker.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **SB 1**:

Heflin on motion of R. Lewis.

Gallego on motion of R. Lewis.

Coleman on motion of R. Lewis.

West on motion of R. Lewis.

Junell on motion of R. Lewis.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSHB 1082 ON SECOND READING (by Thompson, Hamric, Rangel, Y. Davis, Hawley, et al.)

CSHB 1082, A bill to be entitled An Act relating to a prohibition on employment discrimination in compensation; providing penalties.

CSHB 1082 was read second time on May 3 and was postponed until this time.

Amendment No. 1

Representative Thompson offered the following amendment to **CSHB 1082**:

Amend **CSHB 1082** by striking all below the enacting clause and substituting the following:

SECTION 1. Subtitle A, Title 2, Labor Code, is amended by adding Chapter 24 to read as follows:

CHAPTER 24. EMPLOYMENT DISCRIMINATION
REGARDING COMPENSATION

Sec. 24.001. DEFINITIONS. In this chapter:

(1) "Employ" means to suffer or permit to work.

(2) "Employee" means a person employed by an employer. The term includes all of an employer's permanent employees, whether working full-time or part-time, and any temporary employee employed by an employer for a period of at least three months. The term does not include a person employed by the person's parents, spouse, or child.

(3) "Employer" means a person who employs 50 or more employees. The term includes the state and a political subdivision of the state.

(4) "Equivalent job" means a job or occupation, the performance of which requires equal skill, effort, and responsibility and which is performed under similar working conditions.

(5) "Labor organization" has the meaning assigned by Section 21.002.

(6) "Market rate" means the rate that employers within a prescribed geographic area actually pay, or are reported to pay, for specific jobs, as determined by formal or informal surveys, wage studies, or other means.

(7) "Wages" has the meaning assigned by Section 61.001.

Sec. 24.002. PROHIBITION AGAINST DISCRIMINATION IN WAGES. (a) It is an unlawful employment practice in violation of this chapter and Chapter 21 for an employer to discriminate among employees on the basis of race, color, disability, religion, sex, national origin, or age by paying wages to an employee at a rate less than the rate paid to an employee who is not a member of a protected class described by this subsection for work in an equivalent job.

(b) Notwithstanding Subsection (a), it is not an unlawful employment practice for an employer to pay different wage rates to employees if the difference is based on:

(1) a bona fide seniority or merit system;

(2) a system that measures earnings by quantity or quality of production; or

(3) a bona fide factor other than race, color, disability, religion, sex, national origin, or age.

(c) For purposes of Subsection (b)(3), a wage differential based on varying market rates for equivalent jobs or the differing economic benefits to the employer of equivalent jobs is considered a differential based on a bona fide factor other than race, color, disability, religion, sex, national origin, or age.

(d) An employer who is paying wages in violation of this section may not, in order to comply with this section, reduce the wage of an employee.

(e) A labor organization or its agents representing employees of an employer who has employees subject to this chapter may not cause or attempt to cause the employer to discriminate against an employee in violation of Subsection (a).

(f) The Commission on Human Rights by rule shall adopt guidelines specifying the criteria for determining whether a job is dominated by employees of a particular race, color, disability, religion, sex, national origin, or age. The criteria must include:

(1) whether the job has ever been formally classified as a "male" or "female" job or a "white" or "minority" job;

(2) whether there is a history of discrimination against persons in a protected class with regard to wages, assignment, access to jobs, or other terms and conditions of employment; and

(3) the demographic composition of the workforce in equivalent jobs.

(g) The guidelines adopted under Subsection (f) may include a list of jobs.

Sec. 24.003. OTHER PROHIBITED ACTS. It is an unlawful employment practice in violation of this chapter and Chapter 21 for an employer to:

(1) take an adverse action or otherwise discriminate against a person because the person has:

(A) opposed an act or practice made unlawful by this chapter;

(B) sought to enforce rights protected under this chapter; or

(C) testified, assisted, or participated in any manner in an investigation, hearing, or other proceeding to enforce this chapter; or

(2) discharge or in any other manner discriminate against, coerce, intimidate, threaten, or interfere with an employee or other person because the person:

(A) inquired about, disclosed, compared, or otherwise discussed an employee's wages; or

(B) exercised or enjoyed, or aided or encouraged another person to exercise or enjoy, any right granted or protected by this chapter.

Sec. 24.004. WAGE DISCLOSURE, RECORDKEEPING, AND REPORTING REQUIREMENTS. (a) On the request of an employee, and not more than once annually thereafter, each employer subject to this chapter shall provide to each employee a written statement sufficient to inform the employee of the employee's job title and wage rate and the method used to compute the employee's wage. On the employee's request, the employer shall supplement the notice when the employee is promoted, receives a raise, or is reassigned to a different position with the employer. The employer is not required to issue supplemental notices for a temporary reassignment for a term that does not exceed three months.

(b) The Texas Workforce Commission shall submit the information contained in quarterly unemployment insurance records on an annual basis to the Commission on Human Rights. The Commission on Human Rights shall maintain the records on file for a period not to exceed five years. The Commission on Human Rights shall adopt rules that protect the confidentiality of employees and shall expressly require that the reports not include names or other identifying information from which a person could discern the identity of an employee. The rules may also specify circumstances that warrant a prohibition on disclosure under Chapter 552, Government Code, of the report or of information identifying the employer.

(c) The Commission on Human Rights may use the information collected under Subsection (b) for statistical and research purposes and may compile and publish studies, analyses, reports, and surveys based on that information as considered appropriate by that commission.

(d) The Commission on Human Rights shall issue a report to the legislature before the start of each regular legislative session on the extent and nature of wage discrimination from information gathered under this section and from complaints received by the commission.

Sec. 24.005. COMPLAINT; ENFORCEMENT. (a) A person aggrieved by an unlawful employment practice under this chapter may file a complaint with the Commission on Human Rights. A complaint filed under this section is subject to Subchapters E and F, Chapter 21.

(b) The Commission on Human Rights shall enforce this chapter in accordance with Chapter 21.

(c) The Commission on Human Rights may request any employer subject to a complaint under this chapter to compile records that contain:

(1) the wage paid to each employee; and

(2) the method, system, computations, and other factors used to establish, adjust, and determine the wage rates paid to the employee.

SECTION 2. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2001.

(b) Section 24.005, Labor Code, as added by this Act, takes effect January 1, 2003.

(Hilbert now present)

Amendment No. 2

Representative Geren offered the following amendment to Amendment No. 1:

Amend the Thompson Amendment to **CSHB 1082** on page 4, line 5, by striking "and the method used to compute the employee's wage".

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

A record vote was requested.

The vote of the house was taken on **CSHB 1082** and the vote was announced yeas 63, nays 58.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 295): 62 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Alexander; Bosse; Burnam; Capelo; Cook; Counts; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Garcia; Geren; Giddings; Gray; Gutierrez; Hamric; Hinojosa; Hochberg; Hodge; Hopson; Jones, J.; King, T.; Kitchen; Lewis, G.; Lewis, R.; Longoria; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Pickett; Puente; Rangel; Raymond; Reyna, A.; Sadler; Solis; Telford; Thompson; Turner, B.; Turner, S.; Uresti; Villarreal; Wise; Wolens; Yarbrough.

Nays — Allen; Averitt; Berman; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Chisum; Christian; Clark; Crabb; Craddick; Crownover; Davis, J.; Delisi; Elkins; George; Goodman; Goolsby; Green; Grusendorf; Haggerty; Hardcastle; Hartnett; Hilbert; Hilderbran; Hill; Hope; Howard; Hupp; Isett; Janek; Jones, D.; Jones, E.; Kolkhorst; Kuempel; Madden; Marchant; Merritt; Miller; Mowery; Nixon; Pitts; Ramsay; Ritter; Seaman; Shields; Solomons; Swinford; Talton; Truitt; Walker; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Salinas.

Absent, Excused, Committee Meeting — Coleman; Gallego; Heflin; Junell; West.

Absent — Bailey; Bonnen; Chavez; Corte; Denny; Driver; Flores; Glaze; Hawley; Homer; Hunter; Keel; Keffer; King, P.; Krusee; Luna; Morrison; Olivo; Reyna, E.; Smith; Smithee; Tillery; Uher; Wilson; Zbranek.

The speaker stated that **CSHB 1082**, as amended, was passed to engrossment by the above vote.

STATEMENTS OF VOTE

When Record No. 295 was taken, I was temporarily out of the house chamber. I would have voted no.

Bonnen

When Record No. 295 was taken, I was in the house but away from my desk. I would have voted yes.

Chavez

When Record No. 295 was taken, I was temporarily out of the house chamber. I would have voted no.

Corte

When Record No. 295 was taken, I was temporarily out of the house chamber. I would have voted no.

Denny

When Record No. 295 was taken, I was in the house but away from my desk. I would have voted yes.

Hawley

When Record No. 295 was taken, I was temporarily out of the house chamber. I would have voted no.

Hunter

When Record No. 295 was taken, I was in the house but away from my desk. I would have voted no.

Krusee

When Record No. 295 was taken, I was temporarily out of the house chamber. I would have voted yes.

Olivo

When Record No. 295 was taken, I was in the house but away from my desk. I would have voted no.

E. Reyna

When Record No. 295 was taken, I was temporarily out of the house chamber. I would have voted no.

Smith

When Record No. 295 was taken, I was temporarily out of the house chamber. I would have voted no.

Smithee

(Gallego now present)

**CSSB 1304 ON SECOND READING
(Geren - House Sponsor)**

CSSB 1304, A bill to be entitled An Act relating to the creation of a missing persons DNA database at the University of North Texas Health Science Center at Fort Worth; providing a penalty.

CSSB 1304 was considered in lieu of **CSHB 3041**.

CSSB 1304 was read second time and was passed to third reading.

CSHB 3041 - LAID ON THE TABLE SUBJECT TO CALL

Representative Geren moved to lay **CSHB 3041** on the table subject to call.

The motion prevailed without objection.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the conference committee on **SB 1**:

Gallego on motion of R. Lewis.

The following member was granted leave of absence for the remainder of today because of important business:

P. King on motion of Morrison.

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bill was laid before the house and read third time:

**HB 2879 ON THIRD READING
(by Sadler)**

HB 2879, A bill to be entitled An Act relating to public school finance.

HB 2879 was passed. (Marchant recorded voting no)

**CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
SECOND READING**

The following resolution was laid before the house and read second time:

**CSHJR 67 ON SECOND READING
(by Chisum)**

CSHJR 67, A joint resolution proposing a constitutional amendment to extend residence homestead ad valorem tax exemptions and protection from forced sale to a homestead owned by a family-owned business.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business:

Keffer on motion of Williams.

CSHJR 67 - (consideration continued)

A record vote was requested.

CSHJR 67 was adopted by (Record 296): 124 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Ehrhardt; Elkins; Ellis; Farabee; Farrar; George; Geren; Giddings; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilbert; Hilderbran; Hinojosa; Hochberg; Hodge; Hope; Hopson; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; King, T.; Kitchen; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Seaman; Shields; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Keffer; King, P.; Salinas.

Absent, Excused, Committee Meeting — Coleman; Gallego; Heflin; Junell; West.

Absent — Bailey; Cook; Edwards; Eiland; Flores; Garcia; Glaze; Hill; Homer; Howard; Keel; Kolkhorst; Luna; Miller; Smith; Tillery; Wilson.

STATEMENT OF VOTE

When Record No. 296 was taken, I was temporarily out of the house chamber. I would have voted yes.

Smith

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 2498 ON THIRD READING
(by Haggerty, Oliveira, Gallego, Solis, Raymond, et al.)**

HB 2498, A bill to be entitled An Act relating to certain cross-border health care plans offered by health maintenance organizations.

HB 2498 was passed.

**HB 1719 ON THIRD READING
(by Eiland)**

HB 1719, A bill to be entitled An Act relating to prohibiting certain persons and entities from banning the use of recording devices during the delivery of a child.

HB 1719 was passed.

**HB 936 ON THIRD READING
(by Solis)**

HB 936, A bill to be entitled An Act relating to the application of certain laws to local workforce development boards.

Amendment No. 1

On behalf of Representative Villarreal, Representative Solis offered the following amendment to **HB 936**:

Amend **HB 936** on third reading by adding Section_____.

Section 2308.257 Recusal, Government Code, is amended to read as follows:

~~A member of a board shall avoid the appearance of conflict of interest by not voting in a vote of the board that directly affects the funding of the member's organization or of any organization the member represents.~~

(a) A member of a board shall avoid the appearance of conflict of interest by not voting in, nor participating in, any decision by the board regarding the provision of services by such member, or any organization which that member directly represents, nor on any matter which would provide direct financial benefit to that member, the member's immediate family, or any organization which that member directly represents.

(b) Subsection (a) shall serve as a minimum standard and shall not be construed as to limit the Board's authority for more restrictive governance to prevent real and/or apparent conflict of interest.

Amendment No. 1 was adopted without objection.

HB 936, as amended, was passed.

HB 2415 ON THIRD READING
(by Giddings, S. Turner, and Hodge)

HB 2415, A bill to be entitled An Act relating to an interim study of the marketplace in the state for life insurance issued with a small face amount.

HB 2415 was passed.

HB 3323 ON THIRD READING
(by Solomons, Denny, and Crownover)

HB 3323, A bill to be entitled An Act relating to the creation, organization, and powers of a coordinated county transportation authority; authorizing the imposition of a tax, the issuance of bonds and notes, and the exercise of the power of eminent domain.

HB 3323 was passed.

HB 3649 ON THIRD READING
(by Merritt)

HB 3649, A bill to be entitled An Act relating to the jurisdiction of and composition of juries in the County Court at Law of Gregg County.

HB 3649 was passed.

HB 709 ON THIRD READING
(by Danburg)

HB 709, A bill to be entitled An Act relating to the maximum number of registered voters an election precinct may contain in certain counties.

HB 709 was passed.

HB 35 ON THIRD READING
(by McClendon and Farabee)

HB 35, A bill to be entitled An Act relating to the requirements for a meeting of certain governmental bodies held by videoconference call.

HB 35 was passed.

HB 249 ON THIRD READING
(by Pitts)

HB 249, A bill to be entitled An Act relating to reports on the extent to which the computer technology and electronically stored information of a state agency or a state contractor are vulnerable to unauthorized access or harm.

A record vote was requested.

HB 249 was passed by (Record 297): 128 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Garcia; George; Geren; Giddings;

Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Seaman; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Keffer; King, P.; Salinas.

Absent, Excused, Committee Meeting — Coleman; Gallego; Heflin; Junell; West.

Absent — Bailey; Berman; Eiland; Flores; Glaze; Homer; Keel; Luna; Shields; Smith; Tillery; Wilson; Wise.

STATEMENT OF VOTE

When Record No. 297 was taken, I was temporarily out of the house chamber. I would have voted yes.

Smith

HB 2845 ON THIRD READING (by Danburg)

HB 2845, A bill to be entitled An Act relating to the creation of an initiative to promote the commercialization of fuel cell technologies.

Amendment No. 1

Representative Delisi offered the following amendment to **HB 2845**:

Amend **HB 2845** by inserting the following appropriately numbered sections:

SECTION __. The Tax Code is amended to include Section 171.090 to read as follows:

Sec. 171.090. EXEMPTION - CORPORATION WITH BUSINESS INTEREST IN FUEL CELL DEVICES. (a) In this section, "fuel cell device" means an electrochemical cell in which the energy of a reaction between a fuel, such as liquid hydrogen, and an oxidant, such as liquid oxygen, is converted directly and continuously into electrical energy. The term includes a mechanical or chemical device that has the ability to store fuel cell-generated energy for use in heating or cooling or in the production of power.

(b) A corporation engaged solely in the business of manufacturing, selling, or installing fuel cell devices is exempted from the franchise tax.

SECTION __. The Tax Code is amended to include Section 171.902 to read as follows:

Sec. 171.902. DEDUCTION OF COST OF FUEL CELL DEVICE FROM

TAXABLE CAPITAL OR TAXABLE EARNED SURPLUS APPORTIONED TO THIS STATE. (a) In this section, "fuel cell device" has the meaning assigned to it in section 171.090 of this code.

(b) A corporation may deduct from its apportioned taxable capital the amortized cost of a fuel cell device or from its apportioned taxable earned surplus 10 percent of the amortized cost of a fuel cell device if:

(1) the device is acquired by the corporation for heating or cooling or for the production of power;

(2) the device is used in this state by the corporation; and

(3) the cost of the device is amortized in accordance with Subsection (c) of this section.

(c) The amortization of the cost of a fuel cell device must:

(1) be for a period of at least 60 months;

(2) provide for equal monthly amounts;

(3) begin on the month in which the device is placed in service in this state; and

(4) cover only a period in which the device is in use in this state.

(d) A corporation that makes a deduction under this section shall file with the comptroller an amortization schedule showing the period in which a deduction is to be made. On the request of the comptroller, the corporation shall file with the comptroller proof of the cost of the fuel cell device or proof of the device's operation in this state.

(e) A corporation may elect to make the deduction authorized by this section either from apportioned taxable capital or apportioned taxable earned surplus for each separate regular annual period. An election for an initial period applies to the second tax period and to the first regular annual period.

Amendment No. 1 was adopted without objection.

HB 2845, as amended, was passed.

HB 1428 ON THIRD READING **(by Longoria)**

HB 1428, A bill to be entitled An Act relating to the reestablishment of service credit in a public retirement system participating in the proportionate retirement program.

HB 1428 was passed.

HB 253 ON THIRD READING **(by Longoria, Allen, Menendez, Hopson, et al.)**

HB 253, A bill to be entitled An Act relating to benefits paid to survivors of certain law enforcement officers, firefighters, and other public servants.

A record vote was requested.

HB 253 was passed by (Record 298): 123 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Craddick; Crownover; Danburg;

Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Garcia; George; Geren; Giddings; Goodman; Gray; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Hope; Hopson; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Seaman; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Keffer; King, P.; Salinas.

Absent, Excused, Committee Meeting — Coleman; Gallego; Heflin; Junell; West.

Absent — Bailey; Crabb; Driver; Flores; Glaze; Goolsby; Green; Homer; Howard; Jones, E.; Keel; Luna; Shields; Smith; Tillery; Wilson; Wise; Wohlgemuth.

STATEMENT OF VOTE

When Record No. 298 was taken, I was temporarily out of the house chamber. I would have voted yes.

Smith

HB 476 ON THIRD READING

(by Naishtat, Solis, Seaman, Keffer, and Villarreal)

HB 476, A bill to be entitled An Act relating to incentive programs and employment services to benefit certain recipients of financial assistance.

HB 476 was passed.

HB 638 ON THIRD READING

(by S. Turner)

HB 638, A bill to be entitled An Act relating to contesting a voluntary statement of paternity or acknowledgment of paternity.

Amendment No. 1

Representative Goodman offered the following amendment to **HB 638**:

Amend **HB 638** on third reading as follows,

(1) On page three, between line 25 & 26, insert:

(g) A suit under this section must be filed before September 1, 2003.

(h) This section expires September 1, 2004.

(2) On page three, insert new SECTION 4 as follows:

SECTION 4. The change in law made by Section 160.217, Family Code, as added by this Act, applies to a suit affecting the parent-child relationship

commenced on or after the effective date of this Act and before September 1, 2003. A suit commenced before September 1, 2003, that is pending on or after September 1, 2004, is governed by Section 160.217, Family Code, as that section existed on the date the suit was filed, and that law is continued in effect for that purpose.

(3) Renumber the sections of the bill appropriately.

Amendment No. 1 was adopted without objection.

HB 638, as amended, was passed.

HB 776 ON THIRD READING (by Haggerty)

HB 776, A bill to be entitled An Act relating to the implementation, operation, and maintenance of the criminal justice information system.

HB 776 was passed.

HB 939 ON THIRD READING (by Hodge, A. Reyna, Ehrhardt, Chavez, Dukes, et al.)

HB 939, A bill to be entitled An Act relating to the application of certain taxes on persons involved in television, motion picture, video, and audio productions.

A record vote was requested.

HB 939 was passed by (Record 299): 124 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Garcia; George; Geren; Giddings; Goodman; Gray; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Sadler; Seaman; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wise; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Green; Howard; Shields; Truitt; Wohlgemuth.

Present, not voting — Mr. Speaker(C); Hartnett.

Absent, Excused — Keffer; King, P.; Salinas.

Absent, Excused, Committee Meeting — Coleman; Gallego; Heflin; Junell; West.

Absent — Bailey; Crabb; Flores; Glaze; Goolsby; Keel; Luna; Ritter; Smith; Tillery; Wilson.

STATEMENTS OF VOTE

When Record No. 299 was taken, I was temporarily out of the house chamber. I would have voted yes.

Smith

I was shown voting no on Record No. 299. I intended to vote yes.

Truitt

HB 1183 ON THIRD READING (by Capelo)

HB 1183, A bill to be entitled An Act relating to the regulation of surgical assistants; granting rulemaking authority; providing penalties.

Amendment No. 1

Representative Capelo offered the following amendment to **HB 1183**:

Amend **HB 1183** as follows:

- (1) On page 2, line 6, between "APPLICABILITY." and "A", insert "(a)".
- (2) On page 2, between lines 20 and 21, insert the following:
(b) This chapter does not affect the authority of a licensed physician to delegate acts under Subtitle B.
- (3) On page 6, line 26, strike "160.007(d)." and substitute "160.007.".
- (4) On page 10, line 13, strike "compliance file," and substitute "or".
- (5) On page 10, line 14, between "report," and "or", insert "the identity of and reports made by a physician or surgical assistant performing or supervising compliance monitoring for the medical board,".
- (6) On page 13, line 10, strike "psychometrically validated".
- (7) On page 13, line 11, after the period, add "Any written portion of the examination must be validated by an independent testing professional."
- (8) On page 13, strike lines 22-27.
- (9) On page 14, strike lines 1-9 and substitute the following:
(b) A person who is otherwise eligible for a license under Section 206.203 is not required to meet the educational requirements under Section 206.203(b)(2) if the person applies for a license under this section before September 1, 2002, and:
 - (1) will complete before the third anniversary of the date the license is issued under this subsection the following academic courses approved by the medical board:
 - (A) anatomy;
 - (B) physiology;
 - (C) basic pharmacology;
 - (D) aseptic techniques;
 - (E) operative procedures;
 - (F) chemistry; and
 - (G) microbiology; or
 - (2) has been continuously certified after September 30, 1995, as a

surgical assistant by a national certifying body approved by the medical board and has practiced full-time as a surgical assistant under the direct supervision of a physician licensed in this country.

(c) A license issued under Subsection (b)(1) may not be renewed after the third anniversary of the date of issuance unless the license holder completes the academic courses described by Subsection (b)(1).

(10) On page 18, strike lines 11-18 and substitute "or".

(11) On page 18, line 19, strike "(6)" and substitute "(4)".

(12) On page 18, line 21, between "PRACTICES." and "This", insert "(a)".

(13) On page 19, between lines 2 and 3, insert the following:

(b) A health maintenance organization, preferred provider organization, or health benefit plan may not require a registered nurse or physician assistant to be licensed as a surgical assistant as a condition for reimbursement.

(c) A clinic, hospital, ambulatory surgical center, or other facility may not require a registered nurse or physician assistant to be licensed as a surgical assistant as a condition for assisting at surgery at the facility.

(14) On page 27, strike line 16 and substitute the following:

SUBCHAPTER H. ADMINISTRATIVE PENALTY

(15) On page 29, strike lines 1-11.

Amendment No. 1 was adopted without objection.

(Keffer now present)

Amendment No. 2

Representative Capelo offered the following amendment to **HB 1183**:

Amend **HB 1183**, on third reading, by inserting a new SECTION 3 of the bill to read as follows and renumbering the subsequent SECTIONS of the bill appropriately:

SECTION 3. Subsection (D), Section 2, Chapter 397, Acts of the 54th Legislature, Regular Session, 1955 (Article 3.70-2, Vernon's Texas Insurance Code), is amended to read as follows:

(D) No individual policy or group policy of accident and sickness insurance delivered or issued for delivery to any person in this state which provides coverage for mental illness or mental retardation or both mental illness and mental retardation shall exclude benefits for the support, maintenance and treatment of such mental illness or mental retardation provided by a tax supported institution of the State of Texas, including community centers for mental health and mental retardation services, provided charges for the care or treatment of such mental illness or mental retardation are regularly and customarily charged to non-indigent patients by such tax supported institution. In determining whether or not a patient is a non-indigent patient, as provided by Sections 552.012 and 552.013, Health and Safety Code [~~in Chapter 152, Acts of the 45th Legislature, Regular Session, 1937 (Article 3196a, Vernon's Texas Civil Statutes)~~], such tax supported institution shall consider any insurance policy (or policies) which provides coverage for mental illness or mental retardation or both mental illness and mental retardation to such patients.

Amendment No. 2 was adopted without objection.

HB 1183, as amended, was passed.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

HB 1279 ON THIRD READING
(by Coleman, Naishtat, and Kitchen)

HB 1279, A bill to be entitled An Act relating to the application of certain licensing and registration requirements to activities involving resilient floor-covering material.

HB 1279 was passed.

HB 1384 ON THIRD READING
(by Dunnam, et al.)

HB 1384, A bill to be entitled An Act relating to review of the termination of agreements with certain insurance agents; providing an administrative penalty.

(Sadler in the chair)

(Coleman, Heflin, and West now present)

A record vote was requested.

The vote of the house was taken on **HB 1384** and the vote was announced yeas 63, nays 62.

A verification of the vote was requested and was granted.

The roll of those voting yea was again called and the verified vote resulted, as follows (Record 300): 63 Yeas, 62 Nays, 3 Present, not voting.

Yeas — Allen; Berman; Bosse; Burnam; Capelo; Carter; Chavez; Coleman; Cook; Counts; Danburg; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Garcia; Geren; Giddings; Gray; Hawley; Hilbert; Hinojosa; Hochberg; Hodge; Hopson; Jones, J.; Keffer; Kitchen; Kuempel; Lewis, G.; Longoria; Martinez Fischer; Maxey; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Olivo; Pickett; Puente; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Shields; Solis; Telford; Turner, S.; Uher; Uresti; Villarreal; West; Williams; Wise; Yarbrough.

Nays — Alexander; Averitt; Bonnen; Brimer; Brown, B.; Chisum; Christian; Clark; Corte; Craddick; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Driver; Elkins; George; Goodman; Goolsby; Green; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; King, T.; Kolkhorst; Krusee; Madden; McCall; McReynolds; Miller; Morrison; Mowery; Nixon; Oliveira; Pitts; Ramsay; Seaman; Smith; Smithee; Solomons; Swinford; Talton; Truitt; Turner, B.; Walker; Wohlgemuth; Wolens; Woolley; Zbraneck.

Present, not voting — Mr. Speaker; Callegari; Sadler(C).

Absent, Excused — King, P.; Salinas.

Absent, Excused, Committee Meeting — Gallego; Junell.

Absent — Bailey; Brown, F.; Crabb; Flores; Glaze; Gutierrez; Hardcastle; Homer; Keel; Lewis, R.; Luna; Marchant; McClendon; Najera; Noriega; Thompson; Tillery; Wilson.

By unanimous consent, the house dispensed with the verification of those voting nay.

The chair stated that **HB 1384** was passed by the above vote.

HB 1310 ON THIRD READING

(by Salinas, Kitchen, Olivo, Dunnam, Menendez, et al.)

HB 1310, A bill to be entitled An Act relating to the Texas Teachers' Excellence Program.

HB 1310 was passed. (Delisi recorded voting no)

HB 1544 ON THIRD READING

(by Uher, Hupp, and Miller)

HB 1544, A bill to be entitled An Act relating to the release of certain personal information from motor vehicle records and information relating to motor vehicle accident reports; providing penalties.

Amendment No. 1

Representative Uher offered the following amendment to **HB 1544**:

Amend **HB 1544**, Second Reading Engrossment, on third reading as follows:

(1) On page 8, line 6, between "vehicle" and the semicolon, insert "or to an owner of a vehicle that is illegally parked".

(2) On page 8, line 9, strike "or".

(3) On page 8, line 10, between "(I)" and "~~use by~~", insert "use in providing notice to an owner of lienholder of a vehicle that is subject to a pending foreclosure of a statutory or contractual lien".

(4) On page 8, line 13, strike "[:]" and substitute "; or".

(5) On page 8, line 14, strike "[~~+~~]" and substitute "(J)".

Amendment No. 1 was adopted without objection.

HB 1544, as amended, was passed.

HB 1572 ON THIRD READING

(by Haggerty)

HB 1572, A bill to be entitled An Act relating to the rights of victims of crime, including participation by victims in certain criminal proceedings and the payment of restitution to victims.

Amendment No. 1

Representative Dutton offered the following amendment to **HB 1572**:

Amend **HB 1572** on third reading in added Article 36.03(a), Code of Criminal Procedure, by striking "testimony of the witness would be materially affected" and substituting "testimony of the witness might be materially affected".

Amendment No. 1 failed of adoption.

Amendment No. 2

Representative Dutton offered the following amendment to **HB 1572**:

Amend **HB 1572** on third reading in added Article 36.03, Code of Criminal Procedure, immediately after the last sentence in Subsection (a), by adding "The court may grant a request under this subsection only if the party seeking the exclusion of a witness files a written request with the court not later than the seventh day before the date the trial commences."

Amendment No. 2 failed of adoption.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of an important family matter:

Keel on motion of Denny.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Bailey on motion of Yarbrough.

HB 1572 - (consideration continued)**Amendment No. 3**

Representative Dutton offered the following amendment to **HB 1572**:

Amend **HB 1572** on third reading in added Article 36.03(d)(2), Code of Criminal Procedure, by striking "a victim of any criminal offense" and substituting "a victim of the criminal offense for which the defendant is being tried".

Amendment No. 3 failed of adoption.

Amendment No. 4

Representative Dutton offered the following amendment to **HB 1572**:

Amend **HB 1572** on third reading in added Article 36.03, Code of Criminal Procedure, by adding Subsection (e) to read as follows:

(e) At the commencement of a trial, the court shall admonish each witness who is to testify as to those persons whom the court determines the witness may talk to about the case before the trial ends and those persons whom the witness may not talk to about the case. The court may punish as contempt a witness who violates the admonishment provided by the court.

Amendment No. 4 was adopted without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Homer on motion of Farabee.

HB 1572 - (consideration continued)

Representative Dutton raised a point of order against further consideration of **HB 1572** under Rule 8, Section 3 of the House Rules and Article III, Section 35 of the Texas Constitution on the grounds that the bill contains more than one subject.

The chair overruled the point of order.

HB 1572, as amended, was passed.

HB 1716 ON THIRD READING
(by Puente, et al.)

HB 1716, A bill to be entitled An Act relating to the establishment and operation of the San Antonio Life Sciences Institute in The University of Texas System.

HB 1716 was passed.

HB 3071 ON THIRD READING
(by Chisum)

HB 3071, A bill to be entitled An Act relating to the certification of motor vehicle inspection stations and inspectors.

Amendment No. 1

Representative Madden offered the following amendment to **HB 3071**:

Amend **HB 3071** on third reading to read as follows:

In Section 1, page 3, between lines 1 & 2, add subsection (g) to read as follows:

(g) The department may not suspend, revoke, or deny all certificates of a person who holds more than one inspection station certificate based on a suspension, revocation, or denial of one of that person's inspection station certificates without proof of culpability related to a prior action under this subsection.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Madden offered the following amendment to **HB 3071**:

Amend **HB 3071** on third reading to read as follows:

On page 3 add subsection (h) and (i) to read as follows:

(h) the department shall develop, by September 1, 2002, a penalty schedule consisting of warnings, re-education, suspensions, and revocations based on the severity and frequency of offenses committed under Chapter 548, of the Transportation Code and rules adopted by the department under this chapter.

(i) the department shall develop, by September 1, 2002, a penalty schedule consisting of suspensions, and revocations based on the severity and

frequency of offenses committed in the emissions testing of motor vehicles under Chapter 382.037, Health and Safety Code, and Chapter 548, Subchapter F, Transportation Code.

Amendment No. 2 was adopted without objection.

HB 3071, as amended, was passed.

HB 1880 ON THIRD READING
(by Swinford, et al.)

HB 1880, A bill to be entitled An Act relating to the creation, operation, and administration of agricultural development districts and granting the power of eminent domain and the authority to issue bonds.

A record vote was requested.

HB 1880 was passed by (Record 301): 134 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Garcia; George; Geren; Giddings; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Keffer; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Zbranek.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Bailey; Homer; Keel; King, P.; Salinas.

Absent, Excused, Committee Meeting — Gallego; Junell.

Absent — Davis, Y.; Flores; Glaze; Luna; Tillery; Uher; Yarbrough.

HB 2400 ON THIRD READING
(by Geren)

HB 2400, A bill to be entitled An Act relating to liability of sponsors of and participants in certain activities involving animals.

HB 2400 was passed.

HB 2436 ON THIRD READING**(by Merritt)**

HB 2436, A bill to be entitled An Act relating to a requirement that the Bureau of Economic Geology of The University of Texas at Austin conduct a study of the East Texas Oil Field.

HB 2436 was passed.

HB 340 ON THIRD READING**(by Keffer)**

HB 340, A bill to be entitled An Act relating to the acquisition by a county of a public interest in certain roads.

Amendment No. 1

Representative B. Turner offered the following amendment to **HB 340**:

Amend **HB 340** on third reading, in Section 258.002, Transportation Code, as added by SECTION 1 of the bill (page 3, between lines 8 and 9), by inserting a new Subsection (f), to read as follows, and appropriately relettering the existing Subsection (f) and subsequent subsections:

(f) If a person asserting a private right, title, or interest in a road that the county has included in the proposed map protests in writing or in person as provided by Subsection (b) before the conclusion of the public hearing, the county may not take possession of the road, but after the conclusion of the hearing the county may bring suit against the person for adverse possession of the right, title, or interest in the road.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative B. Turner offered the following amendment to **HB 340**:

Amend **HB 340** on third reading in SECTION 1 of the bill, proposed Section 258.006(a), Transportation Code (p. 4, line 25, 2d reading engrossment), between "interest" and "held", by inserting ", other than a mineral interest,".

Amendment No. 2 was adopted without objection.

HB 340, as amended, was passed. (Swinford recorded voting no)

HB 3254 ON THIRD READING**(by Giddings, S. Turner, and Hodge)**

HB 3254, A bill to be entitled An Act relating to limitations on certain disciplinary actions by the commissioner of insurance or the Texas Department of Insurance.

HB 3254 was passed.

HB 2618 ON THIRD READING**(by Gray)**

HB 2618, A bill to be entitled An Act relating to the funding and operation of certain emergency management and disaster relief programs.

HB 2618 was passed.

HB 2686 ON THIRD READING**(by Solis, Seaman, Capelo, Martinez Fischer, and Menendez)**

HB 2686, A bill to be entitled An Act relating to tax incentives for certain businesses located in enterprise zones, defense readjustment zones, or certain federally designated zones.

HB 2686 was passed.

HB 2728 ON THIRD READING**(by Crownover)**

HB 2728, A bill to be entitled An Act relating to regulation of the issuance of a security under a certain compensation plan established by the issuer of the security or a participating subsidiary of the issuer.

HB 2728 was passed.

HB 2766 ON THIRD READING**(by Delisi)**

HB 2766, A bill to be entitled An Act relating to repayment assistance for certain education loans owed by certain state attorneys.

HB 2766 was passed.

HB 2856 ON THIRD READING**(by Martinez Fischer)**

HB 2856, A bill to be entitled An Act relating to certain criminal offenses involving bail bond activity; increasing a penalty.

HB 2856 was passed.

HB 2957 ON THIRD READING**(by P. King)**

HB 2957, A bill to be entitled An Act relating to authorized investments for certain public money.

HB 2957 was passed.

HB 2976 ON THIRD READING**(by Dukes)**

HB 2976, A bill to be entitled An Act relating to the funding of the State Office of Risk Management.

HB 2976 was passed.

HB 660 ON THIRD READING**(by Seaman, Solis, Keffer, Zbrank, Yarbrough, et al.)**

HB 660, A bill to be entitled An Act relating to career and technology education and training.

A record vote was requested.

HB 660 was passed by (Record 302): 135 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Garcia; George; Geren; Giddings; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Keffer; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Zbranek.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Bailey; Homer; Keel; King, P.; Salinas.

Absent, Excused, Committee Meeting — Gallego; Junell.

Absent — Flores; Glaze; Luna; Talton; Tillery; Yarbrough.

HB 1806 ON THIRD READING

(by Menendez, J. Moreno, Martinez Fischer, Haggerty, Villarreal, et al.)

HB 1806, A bill to be entitled An Act relating to notice requirements for certain applicants for certain alcoholic beverage licenses and permits.

HB 1806 was passed.

HB 3123 ON THIRD READING

(by Alexander and B. Turner)

HB 3123, A bill to be entitled An Act relating to the standards for determining whether land qualifies for appraisal for ad valorem tax purposes as open-space land based on its use for wildlife management.

HB 3123 was passed.

HB 3473 ON THIRD READING

(by Naishtat)

HB 3473, A bill to be entitled An Act relating to prohibiting employer retaliation against certain employees who report child abuse or neglect.

HB 3473 was passed.

HB 3604 ON THIRD READING

(by Najera)

HB 3604, A bill to be entitled An Act relating to the requirements for the connection of land to utility service in certain subdivisions in certain counties.

HB 3604 was passed.

HB 396 ON THIRD READING
(by Wise, Chavez, Keel, Garcia, et al.)

HB 396, A bill to be entitled An Act relating to the requirement that an applicant for a driver's license provide certain identification information to the Department of Public Safety.

Amendment No. 1

Representatives Shields, Hupp, and Madden offered the following amendment to **HB 396**:

Amend **HB 396** on third reading as follows:

- (1) On page 1, line 6, strike "Subsections (h) and (i)" and substitute "Subsection (h)".
- (2) On page 2, at the end of line 5, add "or".
- (3) On page 2, line 7, strike "; or" and substitute ";".
- (4) On page 2, strike lines 8-19.

A record vote was requested.

Amendment No. 1 failed of adoption by (Record 303): 54 Yeas, 77 Nays, 3 Present, not voting.

Yeas — Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Clark; Corte; Crabb; Craddick; Crownover; Delisi; Denny; Driver; Elkins; Ellis; George; Geren; Goolsby; Green; Grusendorf; Gutierrez; Hamric; Hartnett; Heflin; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jones, E.; Keffer; Kolkhorst; Madden; Marchant; Morrison; Mowery; Nixon; Pitts; Reyna, E.; Seaman; Shields; Smithee; Solomons; Swinford; Talton; Turner, B.; Walker; West; Williams; Wohlgemuth; Woolley.

Nays — Allen; Averitt; Berman; Bosse; Brimer; Burnam; Capelo; Carter; Chavez; Coleman; Cook; Counts; Danburg; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farabee; Farrar; Garcia; Giddings; Goodman; Gray; Haggerty; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Hopson; Jones, D.; Jones, J.; King, T.; Kitchen; Kuempel; Lewis, G.; Lewis, R.; Longoria; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Smith; Solis; Thompson; Truitt; Turner, S.; Uresti; Villarreal; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Janek; Sadler(C).

Absent, Excused — Bailey; Homer; Keel; King, P.; Salinas.

Absent, Excused, Committee Meeting — Gallego; Junell.

Absent — Alexander; Flores; Glaze; Hilbert; Krusee; Luna; Telford; Tillery; Uher.

STATEMENTS OF VOTE

When Record No. 303 was taken, I was in the house but away from my desk. I would have voted yes.

Krusee

I was shown voting no on Record No. 303. I intended to vote yes.

Miller

I was shown voting no on Record No. 303. I intended to vote yes.

Truitt

Amendment No. 2

Representatives Shields, Hupp, and Denny offered the following amendment to **HB 396**:

Amend **HB 396** on third reading by adding a new section to the bill, appropriately numbered, to read as follows, and renumbering subsequent sections accordingly:

SECTION _____. Section 521.142, Transportation Code, is amended by adding Subsection (h) to read as follows:

(h) The department shall:

(1) compile a listing of those applicants who fail or refuse to provide their social security number; and

(2) make the listing available on request to:

(A) the Immigration and Naturalization

Service;

(B) the Social Security Administration; and

(C) the Internal Revenue Service.

Amendment No. 2 was withdrawn.

A record vote was requested.

HB 396 was passed by (Record 304): 109 Yeas, 19 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Bonnen; Brimer; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Clark; Coleman; Cook; Counts; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Garcia; George; Geren; Giddings; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Hilderbran; Hinojosa; Hochberg; Hodge; Hope; Hopson; Hunter; Janek; Jones, D.; Jones, E.; Jones, J.; King, T.; Kitchen; Kolkhorst; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Morrison; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Seaman; Smith; Solis; Solomons; Telford; Thompson; Turner, B.; Turner, S.; Uresti; Villarreal; West; Wilson; Wise; Wolens; Woolley; Yarbrough; Zbrank.

Nays — Brown, B.; Christian; Corte; Crabb; Denny; Hartnett; Heflin; Hill; Hupp; Isett; Keffer; Miller; Mowery; Nixon; Shields; Talton; Truitt; Williams; Wohlgemuth.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Bailey; Homer; Keel; King, P.; Salinas.

Absent, Excused, Committee Meeting — Gallego; Junell.

Absent — Bosse; Flores; Glaze; Hilbert; Howard; Krusee; Luna; Merritt; Smithee; Swinford; Tillery; Uher; Walker.

STATEMENTS OF VOTE

When Record No. 304 was taken, I was in the house but away from my desk. I would have voted no.

Krusee

I was shown voting yes on Record No. 304. I intended to vote no.

E. Reyna

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

The following bills were laid before the house and read third time:

SB 1206 ON THIRD READING (Allen - House Sponsor)

SB 1206, A bill to be entitled An Act relating to risk assessment procedures used in the sex offender registration program and to duties and immunities for officers and employees who administer the program.

SB 1206 was passed.

SB 116 ON THIRD READING (Hilderbran - House Sponsor)

SB 116, A bill to be entitled An Act relating to authorizing the board of trustees of an independent school district to donate certain surplus district property to a municipality, county, or nonprofit organization in order to preserve the property.

SB 116 was passed.

SB 685 ON THIRD READING (Wohlgemuth - House Sponsor)

SB 685, A bill to be entitled An Act relating to transfer of the regulation of riding stables to the Texas Animal Health Commission from the Texas Department of Health.

SB 685 was passed.

SB 406 ON THIRD READING (Hawley - House Sponsor)

SB 406, A bill to be entitled An Act relating to the preservation of rail facilities by the Texas Department of Transportation.

Amendment No. 1

Representative Hopson offered the following amendment to **SB 406**:

Amend **SB 406** on third reading in SECTION 2 of the bill, proposed Section 6(b)(4), Article 6550c-2, Revised Statutes (on page 7, Committee Printing), by striking lines 8 and 9 and substituting the following:

(4) payments for the use of any state-owned rail facility other than the Texas State Railroad operated by the Parks and Wildlife Department under Section 22.182, Parks and Wildlife Code;

Amendment No. 1 was adopted without objection.

SB 406, as amended, was passed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Corte on motion of Chisum.

SB 644 ON THIRD READING (Gray - House Sponsor)

SB 644, A bill to be entitled An Act relating to continuity of care for offenders with mental impairments.

SB 644 was passed.

SB 717 ON THIRD READING (Hawley - House Sponsor)

SB 717, A bill to be entitled An Act relating to the boll weevil eradication program.

A record vote was requested.

SB 717 was passed by (Record 305): 135 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Garcia; George; Geren; Giddings; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Keffer; King, T.; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Bailey; Corte; Homer; Keel; King, P.; Salinas.

Absent, Excused, Committee Meeting — Gallego; Junell.

Absent — Flores; Glaze; Kitchen; Luna; Tillery.

SB 379 ON THIRD READING
(Farrar - House Sponsor)

SB 379, A bill to be entitled An Act relating to conditions of employment for peace officers employed by certain rapid transit authorities.

SB 379 was passed.

SB 753 ON THIRD READING
(Keel, Janek, and Hopson - House Sponsors)

SB 753, A bill to be entitled An Act relating to the regulation of controlled substances under the Texas Controlled Substances Act, to the accessibility of certain information collected under that Act, and to the punishment for certain offenses under that Act.

SB 753 was passed.

SB 1454 ON THIRD READING
(Flores - House Sponsor)

SB 1454, A bill to be entitled An Act relating to the Texas Food for Health Advisory Council.

SB 1454 was passed.

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

The following bills were laid before the house and read second time:

CSHB 2306 ON SECOND READING
(by Chisum)

CSHB 2306, A bill to be entitled An Act relating to the extension of residence homestead ad valorem tax exemptions and protection from forced sale to a homestead owned by a family-owned business.

Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 2306**:

Amend **CSHB 2306** on page 4, lines 22-24, by striking "are subject and subordinate to the rights of creditors of and purchasers of property from the family-owned business and".

Amendment No. 1 was adopted without objection.

CSHB 2306, as amended, was passed to engrossment.

CSHB 2518 ON SECOND READING
(by Kuempel)

CSHB 2518, A bill to be entitled An Act relating to the issuance of certain permits for the emission of air contaminants.

Representative Maxey raised a point of order against further consideration of **CSHB 2518** under Rule 11, Section 3 of the House Rules and Article III, Section 30 of the Texas Constitution on the grounds that the committee substitute changes the original purpose of the bill.

The point of order was withdrawn.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Giddings on motion of S. Turner.

CSHB 2518 - (consideration continued)

Amendment No. 1

Representative R. Lewis offered the following amendment to **CSHB 2518**:

Amend **CSHB 2518** as follows:

(1) On page 1, between lines 4 and 5, add a new SECTION 1 to the bill to read as follows:

SECTION 1. Section 382.0516, Health and Safety Code, is amended to read as follows:

Sec. 382.0516. NOTICE TO STATE SENATOR AND REPRESENTATIVE. On receiving an application for a construction permit or an amendment to a construction permit, a special permit, or an operating permit for a facility that may emit air contaminants, the commission shall send notice of the application to the state senator and representative who represent the area in which the facility is or will be located.

(2) On page 1, lines 5 and 6, strike all after "SECTION 1." and substitute: Section 382.0518, Health and Safety Code, is amended by amending Subsections (a), (b), (d), (e), and (h) and adding Subsection (i) to read as follows:.

(3) On page 3, between lines 1 and 2, insert the following:

(i) In considering a permit amendment under this section the commission shall consider any adjudicated decision or compliance proceeding within the five years before the date on which the application was filed that addressed the applicant's past performance and compliance with the laws of this state, another state, or the United States governing air contaminants or with the terms of any permit or order issued by the commission.

(4) Renumber the sections of the bill appropriately.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Burnam offered the following amendment to **CSHB 2518**:

Amend **CSHB 2518**, SECTION 1 Striking the first sentence of Subsection (h) of Section 382.058 on page 2, from line 16 through the word character in line 20.

Representative Kuempel moved to table Amendment No. 2.

The motion to table prevailed.

Amendment No. 3

Representative Burnam offered the following amendment to **CSHB 2518**:

Amend **CSHB 2518** by striking the new phrase "or permit amendment" wherever it has been added and, more specifically on page 1, at lines 10, 12, and 17 & 18, on page 2, at lines 4, 7, 10, and 12 & 13, on page 3, at lines 4, 6 & 7, and 11, and on page 4 at line 11.

Representative Kuempel moved to table Amendment No. 3.

The motion to table prevailed.

CSHB 2518, as amended, was passed to engrossment. (Burnam recorded voting no)

CSHB 154 ON SECOND READING (by Thompson, Chavez, et al.)

CSHB 154, A bill to be entitled An Act relating to the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities.

CSHB 154 was passed to engrossment. (Berman, B. Brown, Chisum, Delisi, and Wohlgemuth recorded voting no)

CSHB 539 ON SECOND READING (by Thompson)

CSHB 539, A bill to be entitled An Act relating to arts, entertainment, advertisement, and sports contracts entered into by minors.

CSHB 539 was passed to engrossment.

CSHB 674 ON SECOND READING (by Elkins and Solis)

CSHB 674, A bill to be entitled An Act relating to stopping, standing, or parking a vehicle on a sidewalk.

CSHB 674 was passed to engrossment.

HB 2168 ON SECOND READING (by Uher)

HB 2168, A bill to be entitled An Act relating to granting a property owner in a partition proceeding an access easement in certain circumstances.

Amendment No. 1

Representative Uher offered the following amendment to **HB 2168**:

Amend **HB 2168** on page 1, line 14, after the period, by inserting the following:

The order granting the access easement shall contain a legal description of the easement.

Amendment No. 1 was adopted without objection.

HB 2168, as amended, was passed to engrossment.

HB 2119 ON SECOND READING
(by Haggerty)

HB 2119, A bill to be entitled An Act relating to the authorization and regulation of progressive bingo games.

HB 2119 was passed to engrossment. (Hopson and Merritt recorded voting no)

HB 2763 ON SECOND READING
(by Solis and Clark)

HB 2763, A bill to be entitled An Act relating to federal matching funds for certain child care services funded by a local workforce development board.

Amendment No. 1 (Committee Amendment No. 1)

Representative Solis offered the following committee amendment to **HB 2763**:

Amend **HB 2763** on page 1, line 9, strike "and" and substitute "or".

Amendment No. 1 was adopted without objection.

HB 2763, as amended, was passed to engrossment.

CSHB 2260 ON SECOND READING
(by Danburg)

CSHB 2260, A bill to be entitled An Act relating to accommodations and work assignments for certain pregnant municipal and county employees.

CSHB 2260 was passed to engrossment.

CSHB 2606 ON SECOND READING
(by Alexander)

CSHB 2606, A bill to be entitled An Act relating to crew requirements for certain railroads.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness:

Hilbert on motion of Merritt.

CSHB 2606 - (consideration continued)

A record vote was requested.

CSHB 2606 was passed to engrossment by (Record 306): 107 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Capelo; Carter; Chavez; Clark; Cook; Counts; Craddick; Crownover; Danburg; Davis, J.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Garcia; George; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hardcastle; Hawley; Hilderbran; Hinojosa; Hochberg; Hodge; Hope; Hopson; Howard; Hupp; Isett; Janek; Jones, D.; Jones, J.; King, T.; Kitchen; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Rangel; Raymond; Reyna, A.; Ritter; Seaman; Shields; Smith; Smithee; Solis; Solomons; Telford; Thompson; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Callegari; Chisum; Christian; Delisi; Denny; Geren; Hamric; Hartnett; Hunter; Jones, E.; Keffer; Kolkhorst; Miller; Nixon; Swinford; Talton; Truitt; Woolley.

Present, not voting — Mr. Speaker; Sadler(C).

Absent, Excused — Bailey; Corte; Giddings; Hilbert; Homer; Keel; King, P.; Salinas.

Absent, Excused, Committee Meeting — Gallego; Junell.

Absent — Burnam; Coleman; Crabb; Davis, Y.; Flores; Glaze; Heflin; Hill; Luna; Ramsay; Reyna, E.; Tillery; Wohlgemuth.

STATEMENTS OF VOTE

When Record No. 306 was taken, I was in the house but away from my desk. I would have voted no.

Hill

I was shown voting yes on Record No. 306. I intended to vote no.

Isett

I was shown voting yes on Record No. 306. I intended to vote no.

Janek

I was shown voting yes on Record No. 306. I intended to vote no.

Mowery

I was shown voting yes on Record No. 306. I intended to vote no.

Seaman

I was shown voting yes on Record No. 306. I intended to vote no.

Smith

I was shown voting yes on Record No. 306. I intended to vote no.

Williams

CSHB 2365 ON SECOND READING
(by Williams, G. Lewis, Thompson, and Coleman)

CSHB 2365, A bill to be entitled An Act relating to funding to enable Prairie View A&M University to qualify for agricultural research, extension, and education matching funds, including federal agricultural research and extension formula funds.

CSHB 2365 was passed to engrossment.

HB 3631 ON SECOND READING
(by S. Turner and Hochberg)

HB 3631, A bill to be entitled An Act relating to implementation of policies requiring successful performance on assessment instruments for advancement to certain grade levels in public schools.

Representative S. Turner moved to postpone consideration of **HB 3631** until 2 p.m. Monday, May 7.

The motion prevailed without objection.

(Speaker in the chair)

CSHB 43 ON SECOND READING
(by McClendon)

CSHB 43, A bill to be entitled An Act relating to the consideration of income earned by certain recipients of Temporary Assistance for Needy Families benefits for eligibility determination purposes.

Amendment No. 1

Representative Wohlgemuth offered the following amendment to **CSHB 43**:

Amend **CSHB 43** as follows:

On page 2, between lines 23 and 24, add subsection (h) to read as follows:

(h) The department may not extend the earned income disregard to a client that is being sanctioned for non-compliance with work requirements or other requirements of the department.

Representative Naishtat moved to table Amendment No. 1.

The motion to table prevailed.

CSHB 43 was passed to engrossment. (Chisum, Delisi, Isett, and Wohlgemuth recorded voting no)

CSHB 45 ON SECOND READING
(by McClendon, et al.)

CSHB 45, A bill to be entitled An Act relating to a mile-based rating plan for motor vehicle insurance.

CSHB 45 was passed to engrossment.

CSHB 287 ON SECOND READING**(by P. King and Hodge)**

CSHB 287, A bill to be entitled An Act relating to creating the criminal offense of providing a cigarette or tobacco product to an inmate of the Texas Department of Criminal Justice.

CSHB 287 was passed to engrossment.

SB 34 ON SECOND READING**(Naishtat - House Sponsor)**

SB 34, A bill to be entitled An Act relating to providing dental services to certain recipients of medical assistance.

SB 34 was considered in lieu of **HB 479**.

SB 34 was passed to third reading. (Berman, B. Brown, Chisum, Delisi, and Woolley recorded voting no)

HB 479 - LAID ON THE TABLE SUBJECT TO CALL

Representative Naishtat moved to lay **HB 479** on the table subject to call.

The motion prevailed without objection.

CSHB 503 ON SECOND READING**(by Pickett, Driver, and Gutierrez)**

CSHB 503, A bill to be entitled An Act relating to allowing certain peace officers to enforce commercial motor vehicle safety standards.

CSHB 503 was passed to engrossment.

CSHB 563 ON SECOND READING**(by Madden and Hochberg)**

CSHB 563, A bill to be entitled An Act relating to certain practices and procedures involved with a polling place used in an election.

Amendment No. 1

Representative Hochberg offered the following amendment to **CSHB 563**:

Amend **CSHB 563** on page 1, line 18, between "election" and the semicolon, by inserting "or, in the case of an office filled by voters of more than one county, notifying the county chair or, for an independent candidate, the county judge of the county in which the change occurs"

Amendment No. 1 was adopted without objection.

CSHB 563, as amended, was passed to engrossment.

(Gallego now present)

HB 568 ON SECOND READING**(by Gallego)**

HB 568, A bill to be entitled An Act relating to annual vacation leave accrual for state employees.

HB 568 was passed to engrossment.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

**HR 953 - ADOPTED
(by Hill)**

Representative Hill moved to suspend all necessary rules to take up and consider at this time **HR 953**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 953, Honoring the birth of William Stuart Morgan to Leticia and David Morgan of Richardson.

HR 953 was read and was adopted without objection.

**GENERAL STATE CALENDAR
(consideration continued)****HB 1610 ON SECOND READING
(by Averitt)**

HB 1610, A bill to be entitled An Act relating to data on mandated health benefits and mandated offers of coverage that must be collected and reported by health benefit plan issuers.

Amendment No. 1 (Committee Amendment No. 1)

Representative Averitt offered the following committee amendment to **HB 1610**:

Amend **HB 1610** as follows:

(1) On page 2, Sec. 308.211 add subsection (3) as follows:

(3) in which the health maintenance organization operating under Article Act 20A, Texas Insurance Code, does not directly process the claim or does not receive complete and accurate encounter data.

(2) Add section 308.213 as follows:

Sec. 308.213. Upon request from the commissioner:

(1) the Employees Retirement System of Texas shall provide to the commissioner data including utilization and cost data which is related to the mandate being assessed to the population covered by the uniform group insurance program or a successor program even if the program is not necessarily subject to the mandate.

(2) the Texas Health and Human Services Commission shall provide to the commissioner data including utilization and cost data which is related to the mandate being assessed to the population covered by the Medicaid Program, including a program administered under Chapter 32 of the Human Resources Code and a program administered under Chapter 533 of the Government Code, even if the program is not necessarily subject to the mandate.

(3) The commissioner may utilize data as defined in subsection (1) and (2) to determine the impact of mandated benefits and mandated offers of coverage for which data collection and reporting is requested.

Representative Averitt moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representative Averitt offered the following amendment to **HB 1610**:

Amend **HB 1610** by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 38, Insurance Code is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. DATA COLLECTING AND REPORTING RELATING TO MANDATED HEALTH BENEFITS AND MANDATED OFFERS OF COVERAGE

Sec. 38.251. APPLICABILITY. This subchapter applies to any issuer of a health benefit plan that is subject to this code that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document.

Sec. 38.252. COLLECTION OF INFORMATION; REPORT. (a) The commissioner shall require a health benefit plan issuer to collect and report cost and utilization data for each mandated health benefit and mandated offer designated by the commissioner.

(b) The commissioner shall designate by rule:

(1) the issuers of health benefit plans that must collect and report data based on the annual dollar amounts of Texas premium collected by the health benefit plan issuer;

(2) the specific mandated health benefits and mandated offers of coverage for which data must be collected;

(3) a description of the data that must be collected;

(4) the beginning and ending dates of the reporting periods, which shall be no less than every two years;

(5) the date following the end of the reporting period by which the report shall be submitted to the commissioner;

(6) the detail and form in which the report shall be submitted; and

(7) any other reasonable requirements that the commissioner determines are necessary to determine the impact of mandated benefits and mandated offers of coverage for which data collection and reporting is required.

(c) The commissioner shall not require reporting of data:

(1) that could reasonably be used to identify a specific enrollee in a health benefit plan;

(2) in any way that violates confidentiality requirements of state or federal law applicable to an enrollee in a health benefit plan; or

(3) in which the health maintenance organization operating under the

Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code), does not directly process the claim or does not receive complete and accurate encounter data.

Sec 38.253. MAINTENANCE OF INFORMATION. Each health benefit plan issuer shall maintain at its principle place of business all data collected pursuant to this subchapter, including information and supporting documentation that demonstrates that the report submitted to the commissioner are complete and accurate. Each health benefit plan issuer shall make this information and any supporting documentation available to the commissioner upon request.

Sec. 38.254. (a) Upon request from the commissioner, the Texas Health and Human Services Commission shall provide to the commissioner data, including utilization and cost data, which is related to the mandate being assessed to the population covered by the Medicaid Program, including a program administered under Chapter 32 of the Human Resources Code and a program administered under Chapter 533 of the Government Code, even if the program is not necessarily subject to the mandate.

(b) The commissioner may utilize data as defined in Subsection (1) to determine the impact of mandated benefits and mandated offers of coverage for which data collection and reporting is requested.

SECTION 2. This Act takes effect September 1, 2001.

Amendment No. 2 was adopted without objection.

HB 1610, as amended, was passed to engrossment.

CSHB 588 ON SECOND READING **(by Garcia and Allen)**

CSHB 588, A bill to be entitled An Act relating to the creation of a DNA record for certain persons convicted of a felony or adjudicated as having engaged in delinquent conduct constituting a felony offense.

Amendment No. 1

Representative Garcia offered the following amendment to **CSHB 588**:

Amend **CSHB 588** by inserting the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter G, Chapter 411, Government Code, is amended by adding Section 411.155 to read as follows:

Sec. 411.155. CERTAIN RESTRICTIONS ON USE: CRIMINAL OFFENSE. (a) A DNA record created under this subchapter is confidential and may be used only by a law enforcement agency or by an attorney representing the person who is the subject of the record under a court order. A DNA sample or specimen may be obtained under this subchapter only for the purpose of identification. A DNA record may be expunged if the person who is the subject of the record is found not guilty of the offense charged.

(b) A person commits an offense if the person violates Subsection (a). An offense under this subsection is a state jail felony.

Amendment No. 1 was adopted without objection

Amendment No. 2

Representative Dutton offered the following amendment to **CSHB 588**:

Amend **CSHB 588** as follows:

On Page 1, Line 12, strike "record" and insert

"record, except for the following:

(1) Penal Code Section 22.08 (aiding suicide) ;

(2) Penal Code Section 25.03 (interference with child custody) ;

(3) Penal Code Section 25.05 (failure to pay child support) ;

(4) Penal Code Section 25.09 (advertising for adoption placement without a license) ;

(5) Health and Safety Code Section 481.120 (delivery of marihuana) ;
and

(6) Health and Safety Code Section 481.121 (possession of marihuana)".

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Allen offered the following amendment to **CSHB 588**:

Amend **CSHB 588** as follows:

(1) Add appropriately numbered SECTIONS to read as follows and renumber existing SECTIONS accordingly:

SECTION __. Section 411.148, Government Code, is amended by adding Subsection (i) to read as follows:

(i) Notwithstanding Subsection (a), if at the beginning of a fiscal year the executive director of the Texas Department of Criminal Justice determines that sufficient funds have not been appropriated to the department to obtain a sample from each inmate otherwise required to provide a sample under Subsection (a), the executive director shall direct the institutional division to give priority to obtaining samples from inmates ordered by a court to give the sample or specimen or serving sentences for:

(1) an offense:

(A) under Section 19.02, Penal Code (murder), or Section 22.02, Penal Code (aggravated assault);

(B) under Section 30.02, Penal Code (burglary), if the offense is punishable under Subsection (c)(2) or (d) of that section; or

(C) for which the inmate is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.; or

(2) any offense if the inmate has previously been convicted of or adjudicated as having engaged in:

(A) an offense described in Subsection (i)(1); or

(B) an offense under federal law or laws of another state that involves the same conduct as an offense described by Subsection (i)(1).

SECTION __. Section 411.150, Government Code, is amended by adding Subsection (g) to read as follows:

(g) Notwithstanding Subsection (a), if at the beginning of a fiscal year the executive director of the Texas Youth Commission determines that sufficient funds have not been appropriated to the commission to obtain a

sample from each juvenile otherwise required to provide a sample under Subsection (a), the executive director shall direct the commission to give priority to obtaining samples from juveniles ordered by a court to give the sample or specimen or committed to the commission for an adjudication as having engaged in delinquent conduct that violates:

(1) an offense:

(A) under Section 19.02, Penal Code (murder), or Section 22.02, Penal Code (aggravated assault);

(B) under Section 30.02, Penal Code (burglary), if the offense is punishable under Subsection (c)(2) or (d) of that section; or

(C) for which the juvenile is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.; or

(2) a penal law if the juvenile has previously been convicted of or adjudicated as having engaged in:

(A) a violation of a penal law described in Subsection (g)(1); or

(B) a violation of a penal law under federal law or laws of another state that involves the same conduct as an offense described by Subsection (g)(1).

(2) On page 3, line 7, strike "411.148" and substitute "411.148(a)".

(3) On page 3, line 11, strike "411.150" and substitute "411.150(a)".

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Allen offered the following amendment to **CSHB 588**:

Amend **CSHB 588** by striking SECTION 5 of the bill.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Dutton offered the following amendment to **CSHB 588**:

Amend **CSHB 588** as follows:

On Page 1, Line 12, strike "record" and insert

"record, except for the following:

(1) Penal Code Section 22.08 (aiding suicide) ;

(2) Penal Code Section 25.03 (interference with child custody) ;

(3) Penal Code Section 25.05 (failure to pay child support) ;

(4) Penal Code Section 25.09 (advertising for adoption placement without a license) ; and

(5) Health and Safety Code Section 481.121 (possession of marihuana)".

Amendment No. 5 was adopted without objection.

CSHB 588, as amended, was passed to engrossment.

HB 779 ON SECOND READING (by Uher)

HB 779, A bill to be entitled An Act relating to the establishment of a line of vegetation along the Gulf of Mexico in certain areas of public beach.

Amendment No. 1

Representative Uher offered the following amendment to **HB 779**:

Amend **HB 779**, on second reading, by striking lines 13-15, page 1, and substituting the following:

the landward boundary of that strip of land conveyed to the United States of America for the construction of the stone revetment and concrete sheet pile wall for the distance marked by the stone revetment and concrete sheet pile wall.

Amendment No. 1 was adopted without objection.

HB 779, as amended, was passed to engrossment. (Zbranek recorded voting no)

HB 1051 ON SECOND READING
(by Goodman)

HB 1051, A bill to be entitled An Act relating to the award of attorney's fees and costs in an action against a fraudulent transfer.

HB 1051 was passed to engrossment.

HB 1115 ON SECOND READING
(by Driver, Madden, Berman, Hinojosa, Goolsby, et al.)

HB 1115, A bill to be entitled An Act relating to the authority of a municipality to implement a photographic traffic signal enforcement system; providing for the imposition of civil penalties and providing a criminal penalty.

Representative Talton raised a point of order against further consideration of **HB 1115** under Rule 4, Section 18(a)(1) of the House Rules on the grounds that the committee minutes did not contain the location of the meeting.

The point of order was withdrawn.

Amendment No. 1

Representative Driver offered the following amendment to **HB 1115**:

Amend **HB 1115** as follows:

(1) In Section 1 of the bill, proposed Section 707.016(a), Transportation Code (page 10, line 14), strike "for the purposes specified by this chapter" and substitute "for purposes consistent with this chapter".

(2) In Section 1 of the bill, proposed Section 707.016, Transportation Code (page 10, between lines 15 and 16), insert the following:

(c) Subsection (a) does not prohibit a person from:

(1) making available for inspection or copying a recorded image produced by a photographic traffic signal enforcement system in response to a request filed under Chapter 552, Government Code; or

(2) producing in court or as otherwise commanded a recorded image produced by a photographic traffic signal enforcement system in obedience to a subpoena duces tecum or other court order that is issued in compliance with a statute or a rule of civil or criminal procedure.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative B. Turner offered the following amendment to **HB 1115**:

Amend **HB 1115** (Committee Printing) as follows:

(1) On page 2, line 4, between "PENALTY." and "The", insert "a".

(2) On page 2, between lines 12 and 13, insert:

(b) Before the photographic traffic signal enforcement system may be implemented in the municipality, the municipality must conduct an engineering and traffic study to determine the locations in the municipality where placement of the system is most appropriate. Placement of the system in the municipality must be approved as to each location in the municipality by the governing body of the municipality.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Solomons offered the following amendment to **HB 1115**:

Amend **HB 1115** as follows:

(1) On page 2, line 4, between "PENALTY." and "The", insert "(a)".

(2) On page 2, between lines 12 and 13, insert:

(b) Before the governing body of a municipality may implement a photographic traffic signal enforcement system, the governing body must provide an approved method of collecting civil penalties for violations of Section 544.007(d) and other charges by electronic means. The governing body may:

(1) authorize an officer of the municipality to impose and collect a handling charge for processing the payment of a civil penalty or other charge by electronic means; and

(2) may authorize the acceptance of a payment made by electronic means without the imposition or collection of a handling charge.

(3) On page 6, line 13, strike "15th" and substitute "20th".

(4) On page 6, line 25, strike "may" and substitute "must".

(5) On page 7, line 1, between "system" and the period, insert ", which states that on the date of the violation the system was properly functioning".

(6) On page 7, line 18, strike "may" and substitute "must".

(7) On page 8, line 19, strike "\$50" and substitute "\$25".

(8) On page 9, line 2, strike "an appeal petition" and substitute "a notice of appeal".

(9) On page 9, line 4, strike "petition" and substitute "notice of appeal".

(10) On page 9, line 15, strike "appeal petition" and substitute "notice of appeal".

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Puente offered the following amendment to **HB 1115**:

Amend **HB 1115** as follows:

(1) On page 2, strike line 24 and substitute "to a hearing before a municipal judge of the municipality and shall".

- (2) On page 2, strike line 27.
- (3) On page 3, strike lines 1 and 2 and substitute "and".
- (4) On page 3, line 3, strike "(3)" and substitute "(2)".
- (5) On page 5, line 6, strike "administrative".
- (6) On page 5, line 12, strike "administrative".
- (7) On page 5, line 14, strike "administrative".
- (8) On page 5, line 24, strike "administrative".
- (9) On page 6 line 7, strike "ADMINISTRATIVE".
- (10) On page 6, line 10, strike "administrative".
- (11) On page 6, line 15, strike "administrative".
- (12) On page 6, line 18, strike "hearing officer designated by the governing body" and substitute "municipal judge".
- (13) On page 6, line 19, strike "administrative".
- (14) On page 6, line 21, strike "administrative".
- (15) On page 7, line 5, strike "administrative".
- (16) On page 7, line 8, strike "administrative".
- (17) On page 7, line 12, strike "hearing officer" and substitute "municipal judge".
- (18) On page 7, line 15, strike "hearing officer" and substitute "municipal judge".
- (19) On page 7 line 24, strike "ADMINISTRATIVE".
- (20) On page 8, line 1, strike "administrative".
- (21) On page 8, line 2, strike "administrative".
- (22) On page 8, line 4, strike "designated hearing officer" and substitute "municipal judge".
- (23) On page 8, line 8, strike "hearing officer" and substitute "municipal judge".
- (24) On page 8, line 27, strike "hearing officer" and substitute "municipal judge".
- (25) On page 9, line 1, strike "judge of the municipal court of the municipality" and substitute "county court at law of the county, or, if there is no county court at law, to the county court".
- (26) On page 9, line 2, strike "municipal".
- (27) On page 9, line 6, strike "administrative adjudication hearing officer" and substitute "municipal judge".
- (28) On page 9, line 2, strike "municipal" and substitute "county court at law or county".
- (29) On page 9, line 10, strike "municipal".

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Puente offered the following amendment to **HB 1115**:

Amend **HB 1115**, on page 3, by striking lines 11-23, and substituting the following:
in conjunction with an electrically operated traffic-control signal in the municipality:

(1) precludes the municipality from enforcing compliance with that traffic-control signal in the manner otherwise prescribed by Chapter 543; and

(2) prohibits a peace officer from arresting a person who violates Section 544.007(d) at that traffic-control signal as otherwise provided by Chapter 543 or from issuing the violator a citation and notice to appear as otherwise provided by that chapter.

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Puente offered the following amendment to **HB 1115**:

Amend **HB 1115** as follows:

On page 3, line 26 between the words "violation" and "to" insert "by certified mail"

On page 4, line 6 between the words "violation" and "to" insert "by certified mail"

On page 5, strike lines 20 and 21.

Amendment No. 6 was adopted.

Amendment No. 7

Representative Puente offered the following amendment to **HB 1115**:

Amend **HB 1115**, page 5, line 7, new section 707.006, subsection (c), by adding a new number (10) and renumbering subsequent numbers accordingly:

(10) a preprinted form, with self-addressed, postage-paid return envelope, that can be signed and returned by the owner stating the owner's request for an administrative adjudication hearing.

Representative Driver moved to table Amendment No. 7.

The motion to table was withdrawn.

Amendment No. 7 was withdrawn.

Amendment No. 8

Representative Puente offered the following amendment to **HB 1115**:

Amend **HB 1115**, page 5, line 7, new section 707.006, subsection (c), by adding a new number (10) and renumbering subsequent numbers accordingly:

(10) a preprinted form, with self-addressed envelope, that can be signed and returned by the owner stating the owner's request for an administrative adjudication hearing.

Amendment No. 8 was adopted without objection.

Amendment No. 9

Representative Gallego offered the following amendment to **HB 1115**:

Amend **HB 1115**, on page 8, line 14, by striking "\$75" and substituting "\$10".

Representative Driver moved to table Amendment No. 9.

(McCall in the chair)

The motion to table was lost.

Amendment No. 9 was adopted.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important family business:

Eiland on motion of McCall.

Sadler on motion of McReynolds.

The following member was granted leave of absence for the remainder of today because of important business:

Hinojosa on motion of G. Lewis.

HB 1115 - (consideration continued)**Amendment No. 10**

Representative Talton offered the following amendment to **HB 1115**:

Amend **HB 1115** as follows:

- (1) On page 5, line 26, between "is" and "considered" insert "not".
- (2) On page 5, strike line 27 and substitute "liability."
- (3) On page 6, strike line 1.

Amendment No. 10 failed of adoption.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of an important family function:

Najera on motion of Capelo.

HB 1115 - (consideration continued)**Amendment No. 11**

Representative Puente offered the following amendment to **HB 1115**:

Amend **HB 1115** by adding a new section to the bill, appropriately numbered, to read as follows, and renumbering subsequent sections accordingly:

SECTION___. A municipality, including a home-rule municipality, may not install any object or device at or near an electrically operated traffic-control signal in the municipality that:

(1) is not a component of a photographic traffic signal enforcement system, as defined by Section 707.001, Transportation Code, but is similar in appearance to a component of such a system; and

(2) is intended to cause operators of motor vehicles to believe that compliance with the traffic-control signal is enforced by means of a photographic traffic signal enforcement system.

Amendment No. 11 was adopted without objection.

Amendment No. 12

Representative Ehrhardt offered the following amendment to **HB 1115**:

Amend **HB 1115** (Committee Printing) as follows:

On page 10, between line 21 and 22, insert the following:

Sec. 707.018. RECORDS. (a) Unless otherwise provided by law, a municipality shall dispose of all photographic images recorded under this chapter within 120 days after the violation has been concluded by payment of the penalty or by entry of a finding of no liability.

(b) A municipality shall destroy immediately any recorded image created pursuant to this chapter that depicts the face of the driver of the motor vehicle involved in the violation.

(c) A municipality may retain photographic images recorded under this chapter for educational, statistical, and demonstrative purposes provided the image has been permanently altered to obscure the license tag number of the vehicle recorded in the image.

Amendment No. 12 was adopted without objection.

Amendment No. 13

Representative Solomons offered the following amendment to **HB 1115**:

Amend **HB 1115** (Committee Printing) as follows:

(1) On page 10, line 16, between "REVENUE." and "In", insert "(a)".

(2) On page 10, line 19, between "shall use" and "revenue", insert "any surplus".

(3) On page 10, strike lines 20 and 21, and substitute: imposed under this chapter only for the following purposes and only in the following order:

(1) the purchase of video recording equipment for installation in police vehicles of the municipality's police department; and

(2) the costs associated with the installation, maintenance, and operation of the video recording equipment in those vehicles.

(b) If at the end of the municipality's fiscal year, any surplus revenue remains unspent, the municipality shall send to the comptroller for deposit in the general revenue fund the remaining surplus revenue that exceeds 110 percent of the cost of operating the photographic traffic signal enforcement system in that year.

Amendment No. 13 was adopted without objection.

Amendment No. 14

Representative Dutton offered the following amendment to **HB 1115**:

Amend **HB 1115** by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION __. Chapter 31, Penal Code, is amended by adding Section 31.15 to read as follows:

Sec. 31.15. THEFT OF PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM. (a) A person commits an offense if the person steals all or part of a photographic traffic signal enforcement system, as defined by Section 707.001, Transportation Code.

(b) An offense under this section is a Class C misdemeanor.

(c) Conduct that constitutes an offense under this section and any other law may be prosecuted only under this section.

Amendment No. 14 was withdrawn.

Amendment No. 3 - Vote Reconsidered

Representative Solomons moved to reconsider the vote by which Amendment No. 3 was adopted.

The motion to reconsider prevailed.

Amendment No. 3 was withdrawn.

Amendment No. 15

Representative Solomons offered the following amendment to **HB 1115**:

Amend **HB 1115** as follows:

(1) On page 2, line 4, between "**PENALTY.**" and "**The**", insert "**(a)**".

(2) On page 2, between lines 12 and 13, insert:

(b) Before the governing body of a municipality may implement a photographic traffic signal enforcement system, the governing body must provide an approved method of contesting and requesting a hearing and of collecting civil penalties for violations of Section 544.007(d) and other charges by electronic means. The governing body may:

(1) authorize an officer of the municipality to impose and collect a handling charge for processing the payment of a civil penalty or other charge by electronic means; and

(2) may authorize the acceptance of a payment made by electronic means without the imposition or collection of a handling charge.

(3) On page 6, line 13, strike "**15th**" and substitute "**20th**".

(4) On page 6, line 25, strike "**may**" and substitute "**must**".

(5) On page 7, line 1, between "**system**" and the period, insert ", which states that on the date of the violation the system was properly functioning".

(6) On page 7, line 18, strike "**may**" and substitute "**must**".

(7) On page 8, line 19, strike "**\$50**" and substitute "**\$25**".

(8) On page 9, line 2, strike "**an appeal petition**" and substitute "a notice of appeal".

(9) On page 9, line 4, strike "**petition**" and substitute "notice of appeal".

(10) On page 9, line 15, strike "**appeal petition**" and substitute "notice of appeal".

Amendment No. 15 was adopted without objection.

A record vote was requested.

The vote of the house was taken on passage to engrossment of **HB 1115** and the vote was announced yeas 62, nays 62.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 307): 59 Yeas, 59 Nays, 4 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Brimer; Brown, B.; Brown, F.; Burnam; Carter; Chisum; Christian; Cook; Counts; Danburg; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Ehrhardt; Elkins; Farabee; George; Geren; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hartnett;

Hawley; Hill; Hunter; Jones, D.; Jones, J.; Keffer; Krusee; Kuempel; Lewis, G.; Lewis, R.; Madden; Marchant; Merritt; Morrison; Mowery; Nixon; Pitts; Reyna, A.; Reyna, E.; Smith; Solomons; Truitt; Turner, B.; Uresti; West; Wohlgemuth; Woolley.

Nays — Bosse; Callegari; Capelo; Chavez; Clark; Coleman; Crabb; Craddick; Crownover; Denny; Dukes; Dunnam; Dutton; Edwards; Ellis; Farrar; Gallego; Hamric; Hardcastle; Heflin; Hilderbran; Hochberg; Hodge; Hope; Hopson; Hupp; Isett; Jones, E.; King, T.; Kolkhorst; Martinez Fischer; McClendon; McReynolds; Menendez; Miller; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Ritter; Shields; Solis; Swinford; Talton; Telford; Thompson; Uher; Villarreal; Walker; Williams; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Kitchen; Maxey; McCall(C).

Absent, Excused — Bailey; Corte; Eiland; Giddings; Hilbert; Hinojosa; Homer; Keel; King, P.; Najera; Sadler; Salinas.

Absent, Excused, Committee Meeting — Junell.

Absent — Bonnen; Flores; Garcia; Glaze; Howard; Janek; Longoria; Luna; Seaman; Smithee; Tillery; Turner, S.; Wilson; Wise; Wolens.

The chair stated that **HB 1115** failed to pass to engrossment by the above vote.

STATEMENTS OF VOTE

When Record No. 307 was taken, I was in a meeting with Mr. Barry Miller. I would have voted no.

Longoria

When Record No. 307 was taken, I was temporarily out of the house chamber. I would have voted yes.

Seaman

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Bonnen on motion of Uher.

(Junell now present)

CSHB 1143 ON SECOND READING (by Grusendorf, Burnam, and Averitt)

CSHB 1143, A bill to be entitled An Act relating to public school teachers.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness:

Janek on motion of Allen.

CSHB 1143 - (consideration continued)**Amendment No. 1**

Representative Hochberg offered the following amendment to **CSHB 1143**:

Amend **CSHB 1143** on page 1, line 23, between "bonuses" and "for", by inserting "of not more than \$1,000".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative S. Turner offered the following amendment to **CSHB 1143**:

Amend **CSHB 1143** as follows:

On page 2 of the bill, lines 3-18, strike SECTION 2, and renumber subsequent SECTIONS accordingly.

Representative Grusendorf moved to table Amendment No. 2.

The motion to table prevailed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Flores on motion of Gutierrez.

CSHB 1143 - (consideration continued)**Amendment No. 3**

On behalf of Representative Giddings, Representative Kitchen offered the following amendment to **CSHB 1143**:

Amend **CSHB 1143** as follows:

On page 2, line 18, after the word "area" and before "¿" insert the words "and may teach only in that subject area".

Amendment No. 3 was adopted without objection.

Amendment No. 4

On behalf of Representative Garcia, Representative Solis offered the following amendment to **CSHB 1143**:

Amend **CSHB 1143**, House Committee Report, on page 2, between lines 2 and 3 by inserting new SECTION 2 as follows and renumbering accordingly:

"SECTION 2. Subchapter A, Chapter 21, Education Code, is amended by adding Section 21.006 as follows:

Sec. 21.006. ASSIGNMENT OF INEXPERIENCED TEACHERS. A school district may not assign a person who has less than one year of experience in

the classroom to teach at a school campus that is identified as low-performing by the commissioner under Subchapter D, Chapter 39."

Amendment No. 4 was adopted without objection

Amendment No. 5

Representative Dukes offered the following amendment to **CSHB 1143**:

Amend **CSHB 1143**, House Committee Report, on page 2, between lines 18 and 19, by inserting new SECTION 3 as follows and renumbering accordingly:

"SECTION 3. Section 21.057(d), Education Code, is amended as follows:

(d) For purposes of this section, "inappropriately certified or uncertified teacher":

(1) includes:

(A) an individual serving on an emergency certificate issued under Section 21.041(b)(2); ~~or~~

(B) an individual who does not hold any certificate or permit issued under this chapter and is not employed as specified by Subdivision (2)(E); ~~or~~ and

~~[(2) does not include an individual:]~~

(C) ~~[(A)]~~ an individual who is a certified teacher assigned to teach a class or classes outside his or her area of certification, as determined by rules proposed by the board in specifying the certificate required for each assignment; and

(2) does not include an individual:

(A) ~~[(B)]~~ serving on a certificate issued due to a hearing impairment under Section 21.048;

(B) ~~[(C)]~~ serving on a certificate issued pursuant to enrollment in an approved alternative certification program under Section 21.049;

(C) ~~[(D)]~~ certified by another state or country and serving on a certificate issued under Section 21.052;

(D) ~~[(E)]~~ serving on a school district teaching permit issued under Section 21.055; or

(E) ~~[(F)]~~ employed under a waiver granted by the commissioner pursuant to Section 7.056."

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Dukes offered the following amendment to **CSHB 1143**:

Amend **CSHB 1143** as follows:

On page 4 of the bill, between lines 23 and 24, insert the following:

(h) In order to receive a bonus under this section, a teacher must be appropriately certified to teach the subject matter of the class or classes that the teacher is assigned to teach.

Amendment No. 6 was adopted without objection.

Amendment No. 7

Representative Puente offered the following amendment to **CSHB 1143**:

Amend **CSHB 1143** as follows:

On page 5, after the word "students", strike the rest of line 5 through line 8.

Amendment No. 7 was adopted.

Amendment No. 8

Representative George offered the following amendment to **CSHB 1143**:

Amend **CSHB 1143** as follows:

(1) On page 5, between lines 8 and 9, insert the following appropriately numbered SECTION and renumber the subsequent SECTIONS of the bill accordingly:

SECTION __. Section 824.602, Government Code, is amended by amending Subsection (a) and adding Subsection (m) to read as follows:

(a) Subject to Section 825.506, the retirement system may not, under Section 824.601, withhold a monthly benefit payment if the retiree is employed in a Texas public educational institution:

(1) as a substitute only with pay not more than the daily rate of substitute pay established by the employer and, if the retiree is a disability retiree, the employment has not exceeded a total of 90 days in the school year;

(2) in a position, other than as a substitute, on no more than a one-half time basis for the month;

(3) in one or more positions on as much as a full-time basis, if the work occurs in not more than six months of a school year that begins after the retiree's effective date of retirement;

(4) in a position, other than as a substitute, on no more than a one-half time basis for no more than 90 days in the school year, if the retiree is a disability retiree; ~~or~~

(5) in a position as a classroom teacher on as much as a full-time basis, if the retiree has retired under Section 824.202(a) without reduction for retirement at an early age, is certified under Subchapter B, Chapter 21, Education Code, to teach the subjects assigned, is teaching in an acute shortage area as defined by the commissioner of education, and has been separated from service with all public schools for at least 12 months; or

(6) in a position as a mentor for a classroom teacher on as much as a full-time basis, if the retiree has retired under Section 824.202(a) without reduction for retirement at an early age, is certified under Subchapter B, Chapter 21, Education Code, and has been separated from service with all public schools for at least 12 months.

(m) For purposes of Subsection (a)(6), a mentor for a classroom teacher must have taught in a public school for at least 10 years and must have demonstrated:

(1) outstanding classroom teaching ability;

(2) talent in written and oral communications;

(3) the ability to work cooperatively and effectively with other professional staff; and

(4) extensive knowledge of a variety of classroom management and instructional techniques.

(2) On page 5, between lines 17 and 18, insert the following:

(c) The change in law made by this Act to Section 824.602(a), Government Code, applies beginning with the 2001-2002 school year.

Amendment No. 8 was adopted without objection.

A record vote was requested.

CSHB 1143, as amended, was passed to engrossment by (Record 308): 71 Yeas, 54 Nays, 4 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Chisum; Christian; Clark; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Delisi; Denny; Driver; Elkins; Farabee; George; Geren; Goodman; Goolsby; Gray; Green; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hill; Hochberg; Hope; Howard; Hupp; Isett; Jones, E.; Junell; Keffer; King, T.; Kolkhorst; Krusee; Lewis, R.; Madden; Marchant; Miller; Morrison; Mowery; Nixon; Pickett; Pitts; Ramsay; Reyna, E.; Seaman; Smith; Smithee; Solomons; Swinford; Talton; Truitt; Walker; West; Williams; Wohlgemuth; Woolley.

Nays — Bosse; Capelo; Chavez; Coleman; Cook; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Ellis; Farrar; Gallego; Gutierrez; Hilderbran; Hodge; Hopson; Hunter; Jones, D.; Kitchen; Kuempel; Lewis, G.; Longoria; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Puente; Rangel; Raymond; Ritter; Shields; Solis; Telford; Thompson; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Wise; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Burnam; McCall(C); Reyna, A.

Absent, Excused — Bailey; Bonnen; Corte; Eiland; Flores; Giddings; Hilbert; Hinojosa; Homer; Janek; Keel; King, P.; Najera; Sadler; Salinas.

Absent — Garcia; Glaze; Jones, J.; Luna; Tillery; Wilson.

STATEMENT OF VOTE

I was shown voting no on Record No. 308. I intended to vote yes.

Merritt

CSHB 1144 ON SECOND READING (by Grusendorf, Burnam, and Averitt)

CSHB 1144, A bill to be entitled An Act relating to public school accountability.

Amendment No. 1

On behalf of Representative Sadler, Representative Hochberg offered the following amendment to **CSHB 1144**:

Amend **CSHB 1144** as follows:

(1) On page 1, strike lines 17-19 and substitute the following:

SECTION 1. Section 39.023, Education Code, is amended by amending Subsections (e) and (i) and adding Subsections (d), (j), and (m) to read as follows:

(2) On page 3, between lines 3 and 4, insert the following:

(m) This subsection applies only to a student who is determined to have dyslexia or a related disorder and who is an individual with a disability under 29 U.S.C. Section 705(20) and its subsequent amendments. The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess the ability of and to be administered to each student to whom this subsection applies for whom the assessment instruments adopted under Subsection (a), even with allowable modifications, would not provide an appropriate measure of student achievement, as determined by the committee established by the board of trustees of the district to determine the placement of students with dyslexia or related disorders. The committee shall determine whether any allowable modification is necessary in administering to a student an assessment instrument required under this subsection. The assessment instruments required under this subsection shall be administered on the same schedule as the assessment instruments administered under Subsection (a).

(3) On page 5, between lines 8 and 9, insert the following:

SECTION 4. Before the 2005-2006 school year, the Texas Education Agency shall field test assessment instruments required to be adopted or developed under Section 39.023(m), Education Code, as added by this Act. Not later than the 2005-2006 school year, the Texas Education Agency shall adopt or develop and the State Board of Education shall administer those assessment instruments.

(4) On page 5, line 9, strike "SECTION 4" and substitute "SECTION 5".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Delisi offered the following amendment to **CSHB 1144**:

Amend **CSHB 1144** as follows:

(1) On page 4, line 7, strike "and".

(2) On page 4, line 9, strike the period and substitute "; and".

(3) On page 4, between lines 9 and 10, insert the following:

(C) the percentage of students who take and successfully complete college-level course work offered through concurrent enrollment programs provided under agreements between high schools and institutions of higher education.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Pickett offered the following amendment to **CSHB 1144**:

Amend **CSHB 1144**, House Committee Report (page 5, between lines 8 and 9), by inserting the following new SECTION and by renumbering SECTION 4 of the bill as SECTION 5:

SECTION 4. Section 39.131, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) This subsection applies regardless of whether a district has satisfied the accreditation criteria. If for a period of one year or more a district has had a master or management team assigned, the commissioner may appoint

a board of managers composed of residents of the district to exercise the powers and duties of the board of trustees.

Amendment No. 3 was adopted without objection.

CSHB 1144, as amended, was passed to engrossment.

HB 3184 ON SECOND READING
(by Danburg)

HB 3184, A bill to be entitled An Act relating to the contents of an application for an exemption from ad valorem taxation.

(Speaker in the chair)

HB 3184 was passed to engrossment.

CSHB 1317 ON SECOND READING
(by Farabee)

CSHB 1317, A bill to be entitled An Act relating to financial security requirements for certain oil well operators.

CSHB 1317 was passed to engrossment.

CSHB 1359 ON SECOND READING
(by Villarreal and Rangel)

CSHB 1359, A bill to be entitled An Act relating to the transfer of course credit between public institutions of higher education.

CSHB 1359 was passed to engrossment.

CSHB 1450 ON SECOND READING
(by Tillery)

CSHB 1450, A bill to be entitled An Act relating to the investigation of a firefighter fatality by the state fire marshal.

Amendment No. 1

Representative Yarbrough offered the following amendment to **CSHB 1450**:

Amend **CSHB 1450** as follows:

On page 2, line 9, add the following:

(g) The authority granted to the state fire marshal under this section shall not limit in any way the authority of the county or municipal fire marshal to conduct their own investigation into the death of a firefighter within their jurisdiction.

Amendment No. 1 was adopted without objection.

CSHB 1450, as amended, was passed to engrossment.

HB 1451 ON SECOND READING
(by Dunnam)

HB 1451, A bill to be entitled An Act relating to oversight of and public access to the supreme court and the court of criminal appeals.

Amendment No. 1

Representative Solomons offered the following amendment to **HB 1451**:

Amend **HB 1451** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.0041 to read as follows:

Sec. 22.0041. RULES REGARDING PRACTICE OF LAW. Rules of the supreme court adopted on or after the effective date of this section regarding procedures for the practice of law in this state by an attorney licensed in another jurisdiction may not take effect until the earlier of:

(1) the day of final adjournment of the first regular session of the legislature convened on or after the date the rules are adopted; or

(2) the day of final adjournment of the first special session of the legislature called on or after:

(A) the effective date of this section; and

(B) the date the rules are adopted.

SECTION __. Subchapter B, Chapter 81, Government Code, is amended by adding Section 81.0241 to read as follows:

Sec. 81.0241. RULES REGARDING PRACTICE OF LAW. Rules of the state bar adopted on or after the effective date of this section regarding procedures for the practice of law in this state by an attorney licensed in another jurisdiction may take effect only as provided by Section 22.0041 for similar rules adopted by the supreme court.

Amendment No. 1 was adopted without objection.

HB 1451, as amended, was passed to engrossment.

CSHB 1537 ON SECOND READING

(by Coleman, Kitchen, Oliveira, and Wise)

CSHB 1537, A bill to be entitled An Act relating to a study and a pilot program regarding the provision of medical assistance and certain health benefits plan coverage for children of migrant or seasonal agricultural workers.

CSHB 1537 was passed to engrossment. (Berman, B. Brown, Craddick, Delisi, Heflin, Wohlgemuth, and Woolley recorded voting no)

HB 1560 ON SECOND READING

(by Chavez, et al.)

HB 1560, A bill to be entitled An Act relating to the use of gender-neutral terminology in publications of the office of the attorney general.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Deshotel, Representative Chavez offered the following committee amendment to **HB 1560**:

Amend **HB 1560** as follows:

(1) Strike Section 2 of the bill; and,

(2) On page 1, following line 10, insert the following:
SECTION 2. This act takes effect January 1, 2002.

Amendment No. 1 was adopted without objection.

HB 1560, as amended, was passed to engrossment. (Berman, B. Brown, F. Brown, Craddick, Delisi, Wohlgemuth, and Woolley recorded voting no)

CSHB 1890 ON SECOND READING
(by G. Lewis)

CSHB 1890, A bill to be entitled An Act relating to control of contracts and funds of a commissary for the county jail of certain counties.

Amendment No. 1

Representative Y. Davis offered the following amendment to **CSHB 1890**:

Amend **CSHB 1890**, on page 1, lines 8-9, by striking added Subsection (a), Section 351.04155, Local Government Code, and substituting the following:

- (a) This section applies only to a county that:
 (1) has a population of one million or more; and
 (2) has two municipalities with a population of 200,000 or more.

Amendment No. 1 was adopted without objection.

CSHB 1890, as amended, was passed to engrossment. (F. Brown and Uher recorded voting no)

CSHB 3410 ON SECOND READING
(by McReynolds)

CSHB 3410, A bill to be entitled An Act relating to the sale and lease of vacant and unsurveyed public school land.

Representative McReynolds moved to postpone consideration of **CSHB 3410** until 10 a.m. Wednesday, May 9.

The motion prevailed without objection.

HB 1585 ON SECOND READING
(by Gallego, Hinojosa, and Haggerty)

HB 1585, A bill to be entitled An Act relating to the completion of a sentence in a felony after revocation of parole, mandatory supervision, or conditional pardon.

HB 1585 was passed to engrossment.

HB 2323 ON SECOND READING
(by Gallego)

HB 2323, A bill to be entitled An Act relating to repayment assistance for certain law school loans of persons providing legal services to the indigent.

Amendment No. 1

Representative Gallego offered the following amendment to **HB 2323**:

Amend **HB 2323** on page 3, line 6, between "subchapter" and the period, by inserting ", including a rule that sets a maximum amount of repayment assistance that an attorney may receive in one year".

Amendment No. 1 was adopted without objection.

HB 2323, as amended, was passed to engrossment. (Berman, B. Brown, F. Brown, Craddick, Delisi, Shields, Wohlgemuth, and Woolley recorded voting no)

CSHB 1649 ON SECOND READING
(by Gallego and Hinojosa)

CSHB 1649, A bill to be entitled An Act relating to the organization and duties of the Board of Pardons and Paroles and the consequences of the revocation of parole or mandatory supervision.

CSHB 1649 was passed to engrossment.

HB 1689 ON SECOND READING
(by Chisum, Hope, S. Turner, and Hawley)

HB 1689, A bill to be entitled An Act relating to an exemption from ad valorem taxation for certain organizations engaged primarily in performing charitable functions.

Amendment No. 1

Representative Ellis offered the following amendment to **HB 1689**:

Amend **HB 1689** as follows:

(1) On page 5, between lines 12 and 13, insert the following section, appropriately numbered:

SECTION _____. Section 11.23, Tax Code, is amended by adding Subsection (h) to read as follows:

(h) County Fair Associations. A county fair association organized to hold agricultural fairs and encourage agricultural pursuits is entitled to an exemption from taxation of the land and buildings that it owns and uses to hold agricultural fairs. An association that holds a license under the Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes) to conduct a horse race meeting or a greyhound race meeting with pari-mutuel wagering is not entitled to an exemption under this subsection. Land or a building used to conduct a horse race meeting or a greyhound race meeting with pari-mutuel wagering under that Act may not be exempted under this subsection. To qualify for an exemption under this subsection, a county fair association must:

(1) be a nonprofit corporation as defined by the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes);

(2) be exempt from federal income taxes as an organization described by Section 501(c)(3), (4), or (5), Internal Revenue Code of 1986, as amended;

(3) qualify for an exemption from the franchise tax under Section 171.060; and

(4) meet the requirements of a charitable organization provided by Sections 11.18(e) and (f), for which purpose the functions for which the association is organized are considered to be charitable functions.

(2) Strike page 5, lines 19-22, and substitute the following:

SECTION _____. (a) This Act takes effect September 1, 2001, except that Section 11.23(h), Tax Code, as added by this Act, takes effect January 1, 2002.

(b) This Act applies only to taxes imposed for a tax year that begins on or after January 1, 2002.

(3) Renumber the sections of the bill accordingly.

Amendment No. 2

Representative Hilderbran offered the following amendment to Amendment No. 1:

Amend the Ellis amendment to **HB 1689**, on page 1 of the amendment, by striking the sentence that begins on line 9 and ends on line 13.

Amendment No. 2 was adopted without objection.

Amendment No. 2 - Vote Reconsidered

Representative Hilderbran moved to reconsider the vote by which Amendment No. 2 was adopted.

The motion to reconsider prevailed.

Amendment No. 2 was withdrawn.

Amendment No. 1 was withdrawn.

HB 1689 was passed to engrossment.

HB 1694 ON SECOND READING

(by Hamric, Hill, Y. Davis, B. Turner, Allen, et al.)

HB 1694, A bill to be entitled An Act relating to the exemption from ad valorem taxation of motor vehicles leased for personal use.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Craddick, Representative Hamric offered the following committee amendment to **HB 1694**:

Amend **HB 1694** as follows:

Strike the last sentence of Subsection (j).

(j) If in any tax year ad valorem taxes are imposed on a leased vehicle because of a lessor's failure to comply with this section or another provision of this code, the lessor may not directly or indirectly charge the lessee for those taxes or any penalty or interest on those taxes. A violation of this subsection is a deceptive trade practice under Section 17.46, Business & Commerce Code.

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Craddick, Representative Hawley offered the following committee amendment to **HB 1694**:

Amend **HB 1694** as follows:

(1) After Subsection (h), add the following Subsections:

"(i) In addition to the requirements of Subsections (c) and (d), the comptroller by rule shall prescribe a property report form to be completed by the lessor describing the leased motor vehicles which the lessor owns. The property report form shall require the lessor to list each leased vehicle the lessor owns on January 1, to provide the year, make, model and vehicle identification number of each leased vehicle, and to provide the name of the lessee, the address at which the vehicle is kept, and an indication of whether the lessee has designated the vehicle as not held for the production and not used for the production of income.

(j) The lessor shall provide the chief appraiser with the completed property report form adopted by the comptroller in the manner provided by Subchapter B, Chapter 22, of the code."

(2) Renumber subsequent Subsections appropriately.

Amendment No. 3

Representative Hamric offered the following amendment to Amendment No. 2:

Amend the Committee Amendment No. 2 on **HB 1694** as follows:

(1) On page 6, line 24 (House Committee Report), between "production" and "and", insert "of income".

Amendment No. 3 was adopted without objection.

Amendment No. 2, as amended, was adopted.

Amendment No. 4

Representative Hamric offered the following amendment to **HB 1694**:

Amend the House Committee Report on **HB 1694** as follows:

(1) On page 4, line 6, strike "later" and substitute "sooner".

Amendment No. 4 was adopted without objection.

HB 1694, as amended, was passed to engrossment. (Burnam recorded voting no)

CSHB 1831 ON SECOND READING
(by Pickett)

CSHB 1831, A bill to be entitled An Act relating to the general power of the Texas Department of Transportation to contract.

CSHB 1831 was passed to engrossment.

HB 2827 ON SECOND READING
(by Smithee)

HB 2827, A bill to be entitled An Act relating to consumer disclosures required to be made by health maintenance organizations and insurers who provide preferred provider plans.

HB 2827 was passed to engrossment.

CSHB 1913 ON SECOND READING
(by Capelo)

CSHB 1913, A bill to be entitled An Act relating to termination of certain contracts by a preferred provider organization or health maintenance organization.

CSHB 1913 was passed to engrossment. (Woolley recorded voting no)

HB 1315 ON SECOND READING
(by Hopson)

HB 1315, A bill to be entitled An Act relating to the dismissal of a claim brought by an inmate.

HB 1315 was passed to engrossment.

CSHB 1912 ON SECOND READING
(by Capelo, P. Moreno, and Coleman)

CSHB 1912, A bill to be entitled An Act relating to the authority of a municipality to impose and use utility fees for certain disabled access improvements.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Nixon on motion of Denny.

CSHB 1912 - (consideration continued)

A record vote was requested.

CSHB 1912 was passed to engrossment by (Record 309): 68 Yeas, 57 Nays, 1 Present, not voting.

Yeas — Alexander; Burnam; Capelo; Carter; Chavez; Chisum; Coleman; Cook; Counts; Danburg; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Ellis; Farabee; Farrar; Gallego; Gray; Gutierrez; Haggerty; Hawley; Hochberg; Hodge; Hopson; Jones, E.; Jones, J.; Junell; King, T.; Kitchen; Kuempel; Lewis, G.; Lewis, R.; Longoria; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Seaman; Solis; Swinford; Telford; Thompson; Turner, B.; Turner, S.; Uresti; Villarreal; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Berman; Brimer; Brown, B.; Brown, F.; Callegari; Christian; Clark; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; Elkins; George; Geren; Goodman; Goolsby; Green; Grusendorf; Hamric; Hardcastle; Hartnett; Heflin; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jones, D.; Keffer; Kolkhorst; Krusee; Madden; Marchant; McCall; Miller; Morrison; Mowery; Pitts; Reyna, E.; Shields; Smith; Smithee; Solomons; Talton; Truitt; Walker; West; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Bonnen; Corte; Eiland; Flores; Giddings; Hilbert; Hinojosa; Homer; Janek; Keel; King, P.; Najera; Nixon; Sadler; Salinas.

Absent — Bosse; Davis, Y.; Garcia; Glaze; Luna; Tillery; Uher; Wilson.

HB 3073 ON SECOND READING

(by Chisum and B. Brown)

HB 3073, A bill to be entitled An Act relating to petitions to increase salaries of members of the sheriff's department.

HB 3073 was passed to engrossment.

HR 954 - ADOPTED

(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 954**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 954, Commending Barnett Harley-Davidson, Rods & Wheels Bar & Grill, and motorcycle enthusiasts for their dedication to the El Paso community.

HR 954 was adopted without objection.

RULES SUSPENDED

Representative Averitt moved to suspend the 5-day posting rule to allow the Committee on Financial Institutions to consider **SB 1173**, **SB 1485**, and **SB 1759** at our public hearing Monday, May 7 at 2 p.m. or upon adjournment in room E2.014.

The motion prevailed without objection.

Representative B. Turner moved to suspend the 5-day posting rule to allow the Committee on Public Safety to meet Monday, May 7 at 8 a.m. in room E2.016 to consider **SB 654**, **SB 819**, **SB 1213**, and **SB 1224**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

State, Federal, and International Relations, upon recess today, Desk 47, for a formal meeting, to consider **HCR 274**.

Higher Education, upon recess today, Desk 118, for a formal meeting, to consider **HB 3701**, **SB 1429**, and **SB 1797**.

RECESS

Representative Bosse moved that the house recess until 8:30 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 10:23 p.m., recessed until 8:30 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3700 (By Wilson), Relating to the regulation of alcoholic beverages. To Licensing & Administrative Procedures.

HCR 274 (By Menendez, Swinford, Cook, Chisum, and Thompson), Memorializing Congress to remove trade, financial, and travel restrictions relating to Cuba.

To State, Federal & International Relations.

HR 934 (By P. King), Honoring William Henry Pharis III, on graduating from Dallas Theological Seminary.

To Rules & Resolutions.

HR 936 (By Solomons), Congratulating The Home Depot on opening its 100th store in Texas.

To Rules & Resolutions.

HR 937 (By Kolkhorst), Congratulating Joyce Bise on being named "Citizen of the Year" by the Giddings Area Chamber of Commerce.

To Rules & Resolutions.

HR 938 (By Dutton), Recognizing the Second Annual Third Ward Teen Symposium at Boynton Chapel United Methodist Church.

To Rules & Resolutions.

HR 941 (By Edwards), In memory of Lula Belle Goodman of Dewalt.

To Rules & Resolutions.

HR 942 (By Green), Honoring acclaimed humorist and public speaker Dr. Charles W. Jarvis of San Marcos.

To Rules & Resolutions.

HR 943 (By Bosse), Honoring Houston's C. E. King High School cadets for their exemplary performance at the 2001 Air Force JROTC National Drill Championships.

To Rules & Resolutions.

HR 944 (By Hardcastle), Honoring Throckmorton High School for its many achievements and for its outstanding record of excellence.

To Rules & Resolutions.

SB 85 to Criminal Jurisprudence.

SB 283 to Public Health.

SB 284 to Public Health.

SB 350 to Public Education.

SB 527 to Human Services.

SB 542 to County Affairs.

SB 560 to Business & Industry.

SB 569 to Transportation.

SB 745 to Public Education.

SB 771 to Insurance.

SB 779 to Agriculture & Livestock.

SB 982 to Pensions & Investments.

SB 1007 to Ways & Means.

SB 1020 to Public Safety.

SB 1029 to Public Health.

SB 1109 to Transportation.

SB 1116 to State Affairs.

SB 1145 to Licensing & Administrative Procedures.

SB 1179 to Urban Affairs.

SB 1270 to Juvenile Justice & Family Issues.

SB 1271 to Juvenile Justice & Family Issues.

SB 1312 to Public Safety.

SB 1313 to Criminal Jurisprudence.

SB 1367 to Transportation.

SB 1369 to Judicial Affairs.

SB 1378 to Judicial Affairs.

SB 1379 to Judicial Affairs.

SB 1429 to Higher Education.

SB 1434 to Judicial Affairs.

SB 1470 to Juvenile Justice & Family Issues.

SB 1515 to Transportation.

SB 1516 to Transportation.

SB 1536 to Human Services.

SB 1542 to Ways & Means.
SB 1621 to Urban Affairs.
SB 1646 to Natural Resources.
SB 1707 to Insurance.
SB 1713 to Public Safety.
SB 1793 to Insurance.
SB 1794 to Judicial Affairs.
SB 1796 to Natural Resources.
SB 1810 to Judicial Affairs.
SB 1811 to County Affairs.
SB 1814 to Higher Education.

List No. 2

HB 3701 (By Naishtat), Relating to the requirement that certain off campus housing for students of institutions of higher education be equipped with a fire protection sprinkler system; providing a penalty.

To Higher Education.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 45

HB 197, HB 769, HB 898, HB 966, HB 992, HB 997, HB 1041, HB 1100, HB 1629, HB 1632, HB 1634, HB 1679, HB 1790, HB 1840, HB 1881, HB 1979, HB 2220, HB 2275, HB 2428, HCR 119, HCR 201

Senate List No. 22

SB 15, SB 149, SB 219, SB 353, SB 495, SB 573, SB 607, SB 610, SB 739, SB 827, SJR 2

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 4, 2001

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 273 Armbrister

Relating to certain rights and benefits, including retirement benefits administered by the Teacher Retirement System of Texas, for public school teachers and certain other governmental employees.

SB 464 Shapleigh

Relating to determining the prevailing per diem wage rate to be paid in connection with constructing a public work for the state.

SB 681 Shapleigh

Relating to transportation systems for commercial motor vehicles at certain transportation facilities.

SB 786 Barrientos

Relating to the creation of an unsolved crimes investigation team within the Department of Public Safety of the State of Texas.

SB 1458 Duncan

Relating to the management of state agency and local government electronic projects, equipment, and contracts, to the purchase and use of certain advanced technological equipment, and to the use of outside personnel by the comptroller of public accounts.

SB 1541 Duncan

Relating to the permanent management of low-level radioactive waste.

SB 1573 Lindsay

Relating to the regulation of floating cabins; providing penalties.

SB 1798 Bivins

Relating to the creation, funding, and operation of the Teachers' Home Loan Program.

SB 1806 Lucio

Relating to the sale and lease of vacant and unsurveyed public school land.

Respectfully,

Betty King

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 4, 2001 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 261 Ritter SPONSOR: Bernsen
Relating to the transfer of a defendant from county jail to the institutional division of the Texas Department of Criminal Justice pending an appeal by the defendant.
(AMENDED)

HB 317 Telford SPONSOR: West, Royce
Relating to the location where the court of appeals for the Sixth Court of Appeals District transacts business.

HB 551 Mowery SPONSOR: Van de Putte
Relating to the authority of a cosmetologist to treat a person's mustache or beard.

HB 822 Giddings SPONSOR: West, Royce
Relating to the deferral of proceedings in a justice, municipal, or juvenile court against certain persons for purposes of attending a teen court program.
(COMMITTEE SUBSTITUTE)

HB 987 Oliveira SPONSOR: Truan
Relating to the collection of solid waste disposal service fees by a county or by certain public or private entities contracting with a county.
(COMMITTEE SUBSTITUTE/AMENDED)

THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 555
Senate Conferees: Ellis, Rodney - Chair/Bivins/Sibley/Van de Putte/Zaffirini

SB 583
Senate Conferees: Duncan - Chair/Bernsen/Carona/Fraser/Moncrief

SB 1596
Senate Conferees: Bivins - Chair/Ellis, Rodney/Staples/Van de Putte/Wentworth

Respectfully,

Betty King
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 4, 2001 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 456 Brown, J. E. "Buster"
Relating to the designation of Farm-to-Market Road 528 as the Ralph L. Lowe Parkway.

SB 934 Nelson
Relating to allowing recreational metal detecting in designated areas of state parks.

SB 1445 Van de Putte
Relating to the issuance of special license plates for elected county officials.

SB 1764 Zaffirini
Relating to the ratification of the creation of the McMullen Groundwater Conservation District and to the administration, powers, duties, operation, and financing of the district.

SCR 22 Brown, J. E. "Buster"
Requesting the U.S. Environmental Protection Agency to provide maximum flexibility to the states in dealing with federal environmental programs.

SCR 23 Brown, J. E. "Buster"
Urging TNRCC to expand its coordination efforts to increase flexibility of federal regulations delegated to the states.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 3

Corrections - **HB 1649**

County Affairs - **HB 3691**

Criminal Jurisprudence - **HB 1167, SB 7, SB 370, SB 850, SB 1035,**
SB 1202, SB 1345, SB 1681

Economic Development - **HB 1397**

Higher Education - **SB 572**

Human Services - **SB 177, SB 962**

Judicial Affairs - **HB 1883, HB 2733, HB 3203, HB 3296, HB 3697,**
SB 303, SB 941, SB 1210

Juvenile Justice & Family Issues - **HB 3461**

Land & Resource Management - **HB 2951, SB 980**

Natural Resources - **SB 1339**

Public Health - **SB 1264**

Public Safety - **SB 1304, SB 1583**

State Affairs - **HB 3535, SB 221, SB 656**

State Recreational Resources - **HB 1915, HB 3209**

Transportation - **HB 3681**

Urban Affairs - **HB 320**

Ways & Means - **HB 2234, HB 3235, HB 3347, HCR 139, SB 256, SB 863, SB 865, SB 1123, SB 1168, SB 1547, SB 1574, SJR 47**

ENGROSSED

May 3 - HB 370, HB 598, HB 849, HB 877, HB 1053, HB 1056, HB 1096, HB 1099, HB 1200, HB 1234, HB 1363, HB 1491, HB 1721, HB 1839, HB 1852, HB 1856, HB 2053, HB 2102, HB 2312, HB 2313, HB 2382, HB 2456, HB 2503, HB 2614, HB 2649, HB 2684, HB 2997, HB 3303, HB 3507

ENROLLED

May 3 - HB 197, HB 769, HB 898, HB 966, HB 997, HB 1041, HB 1100, HB 1632, HB 1634, HB 1679, HB 1790, HB 1840, HB 1881, HB 1979, HB 2220, HB 2275, HB 2428, HCR 119

SENT TO THE GOVERNOR

May 3 - HB 1545, HCR 59, HCR 151, HCR 152, HCR 161, HCR 164, HCR 166, HCR 167

SIGNED BY THE GOVERNOR

May 3 - HB 808, HB 1019, HB 1212, HB 1753, HCR 3, HCR 4, HCR 35, HCR 36, HCR 37, HCR 100, HCR 106, HCR 195, HCR 219

